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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Fourth periodic reports of States parties

CANADA*

* For the initial report submitted by the Government of Canada, see CEDAW/C/5/Add.16; for its consideration by the Committee, see CEDAW/C/SR.48, 54, 61 and 62 and Official Records of the General Assembly, Fortieth Session, Supplement No. 45 (A/40/45), paras. 30-73. For the second periodic report submitted by the Government of Canada, see CEDAW/C/13/Add.11, Parts I and II; for its consideration by the Committee, see CEDAW/C/SR.167 and Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 410-436. For the third periodic report submitted by the Government of Canada, see CEDAW/C/CAN/3.

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TABLE OF CONTENTS

		Page
Introduction		3
PART I:	Review of jurisprudence relevant to the Convention	4
PART II:	Measures adopted by the Government of Canada	16
PARTI III:	Measures adopted by the governments of the provinces*	40
1.	Newfoundland	40
2.	Prince Edward Island	45
3.	Nova Scotia	47
4.	New Brunswick	58
5.	Québec	65
6.	Ontario	89
7.	Manitoba	107
8.	Saskatchewan	117
9.	Alberta	126
10.	British Columbia	133
PART IV:	Measures adopted by the governments of the territories	143
1.	Yukon	143
2.	Northwest Territories	146

* Geographical order, from east to west.

INTRODUCTION

1. Canada ratified the *Convention on the Elimination of All Forms of Discrimination against Women* on December 10, 1981, and submitted its initial report in June 1983, its second report in January 1988, and its third report in September 1992. This report is the fourth submitted by Canada under the Convention. The main period covered is from January 1, 1991 to March 31, 1994 (with occasional references to developments of special interest which occurred since that time).

2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan), and two territories (the Northwest Territories and the Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for the subject matters covered by the *Convention on the Elimination of All Forms of Discrimination against Women* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

3. This fourth periodic report is composed of four parts. Part I contains a review of the jurisprudence applicable to the Convention. Part II contains a review of measures adopted by the federal government. Part III contains a review of measures adopted by the provincial governments as prepared by these governments. Part IV contains a review of measures adopted by the territorial governments as prepared by these governments. The report follows, in as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination against Women. The recommendations adopted by the Committee have also been taken into consideration, in particular the recommendation on violence against women.

4. In response to the wishes of the Committee for concise reports, efforts have been made to keep this report at reasonable length. Additional details on the situation of women in Canada can be found in other reports submitted to the United Nations, in particular in the reports submitted to the International Labour Organization on the Equal Remuneration Convention (N0 100) and on the Discrimination (Employment and Occupation) Convention (N0 111). Information can also be found in Canada's National Report to the United Nations for the Fourth World Conference on Women to take place in Beijing, China, in September 1995. Copies of this report will be made available to the members of the Committee on the Elimination of Discrimination against Women.

5. Previous reports under the Convention contained a statistical section. This report does not. However, copies of the third edition of *Women in Canada - A Statistical Report* will be made available to members of the Committee. That publication will be an updated and expanded version of the first and second editions published in 1985 and 1990. The new edition will be completed and published by Statistics Canada in August 1995.

PART I: REVIEW OF JURISPRUDENCE RELEVANT TO THE CONVENTION

Article 1 (definition of discrimination)

I Canadian Charter of Rights and Freedoms

Adverse effects discrimination

6. Section 15 (equality rights) of the *Canadian Charter of Rights and Freedoms* provides women with protection against adverse effects discrimination as well as direct or intentional discrimination. For example, in *Dartmouth/Halifax County Regional Housing Authority v. Sparks*, the Nova Scotia Court of Appeal held that provisions of the Nova Scotia *Residential Tenancy Act* which gave residential tenants security of tenure after five years possession, but expressly denied the benefit to public housing tenants, breached s. 15. The plaintiff was a single black mother on welfare assistance. The Court relied on statistical evidence about the composition of the class of public housing tenants to conclude that the legislation discriminated on the basis of race, sex and income. The decision was not appealed by the Attorney General of Nova Scotia. See also paras. 24, 34, 36, 42, 43 and 48.

Marital status

7. The Supreme Court of Canada has stated that s. 15 (equality rights) of the Charter extends to grounds analogous to those enumerated within it. In *Miron v. Trudel*, the Court concluded that marital status was an analogous ground, so that discrimination against common law spouses is contrary to s. 15 and requires justification under s. 1 (reasonable limits) of the Charter.

8. In the lower courts, s. 15 has been held to preclude discrimination against members of the following groups: unwed mothers and their children (*Panko v. Vandesype*); and single female parents (*R. v. Rehberg*).

Sexual orientation

9. In *Egan v. Canada*, the Supreme Court of Canada concluded that sexual orientation was an analogous ground under s. 15 of the Charter.

10. In *Haig v. The Queen*, the Ontario Court of Appeal held that s. 15 was violated by the failure of the *Canadian Human Rights Act* to include sexual orientation as a ground of discrimination. In *Douglas v. The Queen*, the plaintiff alleged that her dismissal from the Armed Forces because she was homosexual violated s. 15. The parties, after negotiations, agreed upon a draft judgment stating that s. 15 had been breached, which was signed by the Federal Court, Trial Division.

II Human rights legislation

Reasonable accommodation

11. In regard to adverse effects discrimination, the Supreme Court of Canada has held that human rights codes require employers to make reasonable accommodation to the needs of those protected by them. Some human rights codes make specific provision for reasonable accommodation for direct and indirect discrimination. In recent cases, the Supreme Court of Canada has applied the duty of reasonable accommodation to unions and collective agreements, and emphasized that it means making genuine efforts, beyond mere negligible effort, and may involve minor inconvenience to other employees (*Central Okanagan School District No. 23 v. Renaud, Commission Scolaire Régionale de Chambly v. Bergevin*).

12. In *Emrick Plastics v. Ontario (Human Rights Commission)*, the Ontario Court (Divisional Court) held that the employer had not made reasonable accommodation to a pregnant employee, a spray painter, when it declined to transfer her to the packing area, away from paint fumes which could be harmful to her during pregnancy.

13. In *Brown v. Department of National Revenue (Customs and Excise)*, a Canadian Human Rights Tribunal concluded that the employer discriminated against one of its customs inspectors because of her sex and marital status when it failed to accommodate her need for a change to straight dayshifts because of complications of pregnancy and childcare needs.

Goods, services and facilities available to the public

14. In *University of British Columbia v. Berg*, the Supreme Court of Canada gave human rights legislation a broad application in one of the main areas covered by it, the provision of goods, services and facilities available to the public. The Court stated that it encompasses not just services and facilities available to all members of the public, but also those offered to smaller, more restricted groups — for example, in the circumstances of that case, services and facilities provided by a university to a graduate student suffering from depression.

Article 2 (basic measures)

I Criminal law

(a) Women subjected to violence

Substance of offences

15. In *R. v. D.(F)*, the Ontario Court of Appeal held that a provision of the *Criminal Code* making it an offence for a man to have sexual intercourse with his step daughter (since repealed) did not involve discrimination on the basis of sex contrary to s. 15 of the *Canadian Charter of Rights and Freedoms*.

16. In *Daviault v. The Queen*, in the context of a sexual assault of a 65 year old disabled woman by a man in an extreme state of intoxication, the Supreme Court of Canada stated that

the mental element is an integral part of crime, and that to eliminate it would be contrary to the principles of fundamental justice in s. 7 and the presumption of innocence in s. 11(d) of the *Canadian Charter of Rights and Freedoms*. The Court further concluded that the basic intent required for the offence of sexual assault was negated by evidence of extreme intoxication akin to automatism or insanity. The Court emphasized that only in rare circumstances would this defence be available, and that the burden would be on the accused person to establish the defence on a balance of probabilities.

Procedure and evidence

17. In *R. v. Litchfield*, the Supreme Court of Canada considered a case involving a physician charged with 14 counts of sexual assault against seven female patients. A lower court had ordered that three different trials be held depending on the part of the complainant's body involved in the assault — genitals, breasts or other areas of body. The Supreme Court set aside the pre-trial severance order on the ground that it worked an injustice to the Crown, the complainants and the administration of justice, because it placed an artificial barrier to the trial judge's ability to consider the respondent's conduct in all the circumstances.

18. In *R. v. Seaboyer*, the Supreme Court of Canada considered the compatibility with the presumption of innocence in the Charter of the provisions in the *Criminal Code* relating to evidence of sexual reputation/history in sexual assault cases. It concluded that the exclusion of evidence of the sexual reputation of the complainant for purposes of supporting or challenging credibility was consistent with the presumption of innocence of the accused persons in the Charter, because such evidence was not relevant to credibility. The Court pointed out that the idea that a complainant's credibility might be affected by whether she has had other sexual experience has been discredited. However, the exclusion of evidence of prior sexual activity of the complainant for other purposes, with certain narrow exceptions, was contrary to the presumption of innocence in the Charter. Although such evidence was not relevant to credibility or consent, it will be admissible if its probative value on other issues is not outweighed by prejudice flowing from it.

19. In *R. v. Osolin*, the Supreme Court of Canada, in the context of a sexual assault case, stated that the right to cross-examine witnesses in the Charter was subject to reasonable limitations, including considerations relating to the guarantee of equality to men and women in ss. 15 and 28 of the Charter. However, it was acceptable to cross-examine the complainant on her medical records, in particular on a notation in the records that she was concerned that her attitude or behaviour might have influenced the accused.

20. In *R. v. O'Connor*, in the context of an application for the medical records of the complainant in a sexual assault case, the British Columbia Court of Appeal stated that the court should follow a two-stage procedure in determining admissibility. First, the applicant must show that there is information likely to be relevant in the records ("fishing expeditions" are not acceptable). Second, the court must review such documents and admit only those portions that are in fact relevant. The decision is under appeal to the Supreme Court of Canada.

21. In *V.(K.L.) v. R.(D.G.)*, the British Columbia Court of Appeal declined to uphold an order requiring a complainant in a sexual assault case to produce her diaries for purposes of assessing damages against the respondent, her stepfather. The Court referred to the strong privacy interest in regard to personal journals, and to evidence given by psychiatrists of the role of keeping diaries in the healing of victims of sexual abuse.

Compensation

22. In *L.(A.) v. Saskatchewan (Crimes Compensation Board)*, the Saskatchewan Court of Appeal held that s. 15 was not infringed when the Crimes Compensation Board reduced the compensation provided to a woman assaulted by her husband because she had remained with him for some time after he became abusive, on the ground that by doing so she had contributed to her own misfortune. The Board used the standard of the reasonably prudent person to assess her behaviour. (See para. 26 below on the test for "reasonableness" in the *Stadnyk* and *Lavallee* cases.)

(b) Pornography

23. In *R. v. Butler*, the Supreme Court of Canada held that the prohibition of obscenity in the *Criminal Code* involved a *prima facie* infringement of the guarantee of freedom of expression in s. 2(b) of the Charter, but was justifiable because of its purpose of protecting vulnerable groups in society such as women and children.

(c) Facilities for women prisoners

24. There have been a number of cases in which women prisoners have challenged the circumstances of their detention. For example, in *Horii v. R.*, the Federal Court of Appeal granted an interlocutory injunction against the transfer of a woman prisoner from an essentially male federal penitentiary to a provincial prison, because it would interfere with her completing her university degree at the penitentiary. In *C.(J.) v. Forensic Psychiatric Service Commissioner*, on the basis of s. 15 of the Charter, a female forensic patient at a psychiatric institute successfully challenged a policy limiting residence in cottage facilities (used to prepare inmates for their return to society) to male patients.

II Protection in human rights legislation against harassment

25. In *Pond v. Canada Post Corporation*, a Canadian Human Rights Tribunal held that pornographic materials, and making offensive comments and gestures about women in a male dominated area, poisoned the complainant's work environment and constituted sexual harassment under the *Canadian Human Rights Act*.

26. In *Stadnyk v. Canada Employment and Immigration Commission*, a Canadian Human Rights Tribunal considered a complaint by a woman about a job interview for the position of information officer, where she was questioned about a complaint of sexual harassment against the same employer (the federal government) in her previous employment as a fire fighter, and her use of the media to publicize the complaint. The Tribunal noted that it should use the standard of the "reasonable victim" (in this case a reasonable woman), and take into account

that as a victim she would have a heightened degree of sensitivity and concern about sexual harassment. However, because of the nature of the job she was seeking, the Tribunal concluded that a "reasonable victim" would have not objected to the questions asked. The Review Tribunal upheld this decision. A similar concern regarding the use of the "reasonable man" standard was expressed by the Supreme Court of Canada in *R. v. Lavallee*, in accepting the defense of "battered wife's syndrome" in a murder case (see para. 122 of Canada's third report). Wilson J. stated that "[t]he definition of what is reasonable must be adapted to the circumstances which are, by and large, foreign to the world inhabited by the hypothetical 'reasonable man'" (p. 874).

III Civil liability for violence against women

27. In *Norberg v. Wynrib*, the Supreme Court of Canada held that the defence of consent to an allegation of the tort of battery was not available where "consent" was given by a woman dependent on drugs to a sexual relationship with a doctor in order to obtain drugs. The Court stated that there was a marked inequality of bargaining power between the doctor and the patient in these circumstances, and exploitation of it by the doctor.

28. In *M.(K.) v. M.(H.)*, the Supreme Court of Canada considered the question of whether an action for damages for tort and breach of fiduciary duty, by a woman who had been subjected to incest as a child by her father, was barred by the limitations period. The Court stated that incest is both a tortious assault and a breach of the fiduciary duty between parent and child. In regard to the tort action, the limitation period had not expired because the plaintiff, although she had been aware of the incest for several years, had suffered from "post-incest" syndrome, and therefore had not appreciated that the wrongful conduct was her father's responsibility rather than her own. In regard to the claim of breach of fiduciary duty, the limitation period did not apply, nor, in the circumstances under consideration, was the equitable doctrine of laches applicable.

IV Repeal of discriminatory laws

29. As indicated above, in the *Sparks* case a law involving discrimination against women was struck down. See also *Manitoba Council of Health Care Unions* in para. 36 below, *Rehberg* in para. 42 and *Salituro* in para. 46.

Article 4 (special temporary measures)

30. In *Conway v. Canada (Attorney General)*, the Supreme Court of Canada held that it was not contrary to s. 15 of the Charter for female guards to be permitted to frisk male inmates, although male guards could not frisk female inmates (because they could not be employed in female penitentiaries). The Court stated that s. 15 does not require identical treatment, and that different treatment may be called for in certain cases to promote equality. In the circumstances under consideration, given the historical, biological and sociological differences between men and women, the effect of cross-gender searching is more threatening for women than for men. If there were any infringement of s. 15, the achievement of employment equity would be a relevant consideration in justifying the policy within the terms of s. 1 (reasonable limits) of the Charter.

Article 5 (stereotyping)

31. Canadian courts have emphasized in a number of cases the importance of avoiding stereotyped ideas about women. For example, in the *Rehberg* case (see para. 30 below), the court referred to evidence that the "man-in-the-house rule" was based on stereotypical notions of women.

Article 6 (prostitution)

32. In *R. v. Downey*, the Supreme Court of Canada considered the question of whether s. 195(2) of the *Criminal Code*, according to which evidence that a person lives or is in the continual company of prostitutes is, in the absence of evidence to the contrary, evidence that he lives off the avails of prostitution, was contrary to the presumption of innocence guaranteed by s. 11(d) of the Charter. The Court stated that although s. 195(2) involved a *prima facie* infringement of s. 11(d), it was a reasonable limit within the terms of s. 1 of the Charter because it served the important objective of attempting to deal with a cruel and pervasive social evil — that is, the exploitative activity of pimps.

Article 7 (political and public life)

33. In *Native Women's Association of Canada v. Canada*, the Supreme Court of Canada considered a claim by the Native Women's Association of Canada (NWAC) that ss. 2(b) (freedom of expression), 15 (equality rights) and 28 (equal guarantee of Charter rights to men and women) of the Charter were breached when the federal government did not provide NWAC with direct funding to take part in constitutional discussions, although other Aboriginal groups alleged to be male dominated were so funded. The Court noted that there was no evidence that the funded groups were less representative of the views of women, and stated that freedom of expression does not generally include the right to receive positive assistance from government.

34. In 1985, with the enactment of Bill C-31, the rights of women who had previously lost Indian status and band membership as a result of marrying non-Indians were restored, and also those of their children. Their right to reside on the reserve, however, depended on the availability of accommodation there, and in particular on the decision of the Band Council. Furthermore, pursuant to s. 77(1) of the *Indian Act* only Band members resident on the reserve had the right to vote in Band elections. In *Batchewana Indian Band (Non-Resident Members) v. Batchewana Indian Band*, the Federal Court, Trial Division held that s. 77(1) infringed s. 15 of the Charter in its application to the Batchewana Band, noting that band members off reserve were for the most part "Bill C-31 women and children", and therefore a historically disadvantaged group within the ambit of s. 15 (under appeal).

Article 9 (nationality)

35. Before February 15, 1977, children born abroad of Canadian fathers or Canadian mothers in the case of a child born out of wedlock, were entitled to Canadian citizenship if their birth was registered within the prescribed period. This was not the case for children born abroad of Canadian married mothers and non-Canadian fathers. In *Benner v. Canada*

(Secretary of State), the Federal Court of Appeal held that the denial in 1989 of citizenship to a man born abroad in 1962, in wedlock, to a Canadian mother was not discrimination on the basis of sex contrary to s. 15 of the Charter (under appeal). The Court noted that s. 15 does not have retroactive application, and in any event, the difference in treatment was not because of the sex of the applicant.

Article 11 (employment)

36. In *Manitoba Council of Health Care Unions v. Bethesda Hospital et al.*, the Manitoba Court of Queen's Bench held that a provision of the *Pay Equity Act* limiting pay equity adjustments on the part of employers to one percent of the previous year's payroll violated s. 15 of the Charter. The Court stated that it permitted continued discrimination against persons performing women's work.

37. In *Alberta Hospital Association v. Parcels*, the Alberta Court of Queen's Bench held that a requirement in a collective agreement that persons on maternity leave prepay 100 percent of their premiums for benefits, whereas persons on sick leave were only required to prepay 25 percent of the premiums, was discriminatory respecting that part of maternity leave which is health related, contrary to the Alberta *Individual's Rights Protection Act*. See also paras. 11, 30 and 43.

38. In *Chiang v. Natural Sciences and Engineering Research Council*, a Canadian Human Rights Tribunal held that the policy of the Natural Sciences and Engineering Research Council (NSERC) that a scientist's grant money could not be used to employ family members constituted discrimination on the ground of family status contrary to the *Canadian Human Rights Act*. The Tribunal ruled that in order to sustain a defence against a complaint of discrimination of this nature the organization in question must show that the policy was objectively related to the situation. A sweeping prohibition on employing relatives without criteria for exceptions could not be justified. Subsequent to this decision, NSERC removed this policy but has maintained the following clause in its guidelines governing the use of grant funds: "Payment of Family Members: Since NSERC has no regulation prohibiting payment of family members from an NSERC grant, the policy of each university applies in such cases. Universities that allow the hiring of family members must ensure that conflict of interest is avoided regarding performance evaluations and related matters."

39. In *Floyd v. Canada Employment and Immigration Commission (CEIC)*, a Canadian Human Rights Tribunal held that the CEIC had discriminated against the complainant by reducing her entitlement to unemployment insurance benefits because of her pregnancy. Under the *Unemployment Insurance Act* at that time, she received only 28 weeks of unemployment insurance, not the 35 weeks to which she would have been entitled if she had not been pregnant. The Act was subsequently amended.

Article 12 (health)

40. In *Lexogest Inc. et al. v. Manitoba (Attorney General) et al.*, the Manitoba Court of Queen's Bench held that a regulation denying health coverage for therapeutic abortions

performed at an abortion clinic rather than in a hospital was invalid because it was not authorized by the Manitoba *Health Services Insurance Act*. See also paras. 17 and 27 above.

41. In *Ontario (Attorney General) v. Dieleman*, the Ontario Court (General Division) concluded that an interlocutory injunction prohibiting anti-abortion activity near abortion clinics and the residences and offices of health care providers was a reasonable limit of free expression as guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms*, because of the need to protect the physiological, psychological and privacy interests of women seeking abortions, to protect the safety and privacy of health care providers and their families, and to ensure the continued availability of abortion services.

Article 13 (economic and social benefits)

I Economic benefits

Canadian Charter of Rights and Freedoms

42. In *R. v. Rehberg*, the Supreme Court of Nova Scotia held that a provision of the *Family Benefits Act* disentitling single parents to social assistance if they were cohabiting with a person of the opposite sex ("the man-in-the-house-rule") violated s. 15 of the Charter (under appeal). The Court noted that 97 percent of the persons disentitled to assistance because of the provision were women, and that there was a discriminatory effect on single mothers on family benefits.

43. In *Symes v. Canada*, the Supreme Court of Canada held that s. 15 of the Charter was not violated by the exclusion of child care expenses from business deductions for income tax purposes, where there was a child care expense deduction of a specific amount under the *Income Tax Act*. The Court indicated that the exclusion did not involve adverse effects discrimination against women, because, although it was clear their share of the child care burden in society was disproportionate, the plaintiff had not established that women bore a disproportionate share of child care expenses.

44. There have been a number of cases involving allegations of discrimination on the basis of sex or marital status in the area of pension benefits. For example, in *McLeod v. Attorney General (Canada)*, the Alberta Court of Queen's Bench held that it was not contrary to s. 15 of the Charter for survivor's benefits under the *Canada Pension Plan* to go to the common law spouse, rather than to the legal spouse from whom the deceased person was separated.

II Social benefits

45. In *Gould v. Yukon Order of Pioneers, Dawson Lodge No. 1*, the Yukon Territory Court of Appeal held that a provision of the *Human Rights Act* of the Yukon Territory prohibiting discrimination on the basis of sex in the provision of services to the public was not breached when the Yukon Order of Pioneers denied membership to the female plaintiff because of her sex (under appeal). The Yukon Order of Pioneers is a fraternal organization largely social in nature but which also collects and preserves Yukon history. The Court concluded that there was discrimination against the plaintiff, but that it was not in the provision of services to the

public. It stated that although the Yukon Order of Pioneers provides the results of its historical research to the public, it did not follow that women had the right to participate in such research to ensure that it was not biased.

Article 15 (legal capacity)

46. In *R. v. Salituro*, the Supreme Court of Canada changed the common law rule prohibiting spouses of accused persons from being witnesses for the prosecution to permit separated spouses to give evidence. The Court stated that it had a duty to ensure that the common law developed in a manner compatible with Charter values, and that the rule in question was not compatible with the importance now given to sexual equality.

Article 16 (family and marriage)

(i) Canadian Charter of Rights and Freedoms

47. In *Schachter v. Canada*, referred to in para. 114 of Canada's Third Report, the Federal Court, Trial Division held that it was contrary to s. 15 of the Charter for the *Unemployment Insurance Act* to provide parental benefits to natural mothers and adoptive parents, but not to natural fathers (appeal denied in the Federal Court of Appeal). Subsequently, the Supreme Court of Canada, dealing with the issue of remedy only, concluded that the appropriate remedy in this case would have been to declare the legislative provision void and of no effect, and to suspend the declaration of invalidity to provide Parliament with time to amend the provision. However, the Court did not make the order because the legislation had already been amended.

48. In *Thibaudeau v. Canada*, the Supreme Court of Canada held that provisions of the *Income Tax Act* requiring persons receiving child support payments to include them in their income for tax purposes, and permitting those paying child support to deduct them from income, did not contravene s. 15 of the Charter. The Court stated that the provisions in question are designed to minimize the tax consequences of support payments, thereby promoting the best interests of the children by ensuring that more money is available to provide for their care.

(ii) Divorce Act

49. In *Moge v. Moge*, the Supreme Court of Canada concluded that a divorced wife was entitled under the *Divorce Act* to continue to receive financial support from her former husband for an indefinite period, because it was not feasible in the circumstances for her to become self sufficient. The Court noted that the objective of self sufficiency is only one of several criteria governing maintenance awards in the Act, and that it is a goal only in so far as is practicable. The Court also relied upon evidence that divorce and its economic effects are contributing to the feminization of poverty in Canada.

50. Section 68 of the *Bankruptcy Act* enables a court to order a bankrupt person or his/her employer to pay a portion of his/her wages to the trustee in bankruptcy for purposes of ensuring the discharge of his/her family responsibilities. In *Marzetti v. Marzetti*, the Supreme

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Court of Canada was called upon to decide whether s. 68 could be relied upon to order the Crown to pay part of the bankrupt's income tax refund to the Director of Maintenance Enforcement, for the benefit of his wife and children. In concluding that s. 68 permitted such an order, the Supreme Court noted that public policy goals supported this interpretation, and referred in particular to the goal of defeating the role of divorce in the feminization of poverty, that it had recognized in the *Moge* case.

51. In *Young v. Young*, the Supreme Court of Canada held that the application of the best interests principle in the *Divorce Act* to a claim by a parent with visiting rights to involve his children in religious activities did not infringe the *Canadian Charter of Rights and Freedoms*.

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V.(K.L.) v. R.(D.G.), (B.C.C.A., September 2/94)

Young v. Young, [1993] 4 S.C.R. 3

PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

Article 2(c): Protection of women's legal rights

52. The Court Challenges Program mentioned in previous reports was terminated in 1992 as part of the federal expenditure reduction effort. In August 1993, in response to a recommendation from a Parliamentary Committee and representations by many women's groups and other equality-seeking groups, the Government pledged to restore the Program at its former funding level of $2.75 million per year. The Program was reinstated in October 1994 following extensive consultations with interested groups. It will provide financial assistance for test cases of national significance put forward on behalf of or by groups or individuals that will clarify Canada's language and equality rights under the Constitution.

53. Cases eligible for funding under the Program involve federal and provincial language rights protected by the Constitution as well as challenges to federal legislation, policies and practices based on section 15 (equality) of the *Canadian Charter of Rights and Freedoms* and section 28 (equality of sexes), or in which an argument based on section 27 (multicultural heritage) is made in support of arguments based on section 15. The Program will be administrated by the Court Challenges Program of Canada Corporation, a non-profit agency, at arm's length from government, with representation on the governing body from among others, the private bar, interested non-governmental organizations and academics.

54. The federal government announced in the 1994 Speech from the Throne to open Parliament that amendments will be proposed to the *Canadian Human Rights Act*.

Article 2(f): Legislative changes

55. *An Act to amend the Criminal Code (sexual assault)* came into force in August 1992. The Act provides a test for determining the admissibility of evidence of a complainant's sexual activity in trials of sexual offenses, and sets out strict procedures to be followed. The Act also defines for the first time the concept of consent, as it relates to sexual assault.

56. The *Corrections and Conditional Release Act* received Royal Assent in June 1992. This Act gives victims a greater role in parole hearings, and greater access to information concerning the parole status of an offender. Judges were given the power to establish the parole eligibility date for "violent" and serious drug offenders. This provides greater protection to society.

57. *An Act to amend the Criminal Code and the Young Offenders Act* came into force in August 1993. The Act features a new provision that prohibits criminal harassment (stalking). It also amends the law to:

- create a new offence for attempting to remove a child, who is ordinarily resident in Canada, with the intent of committing a sexual offence or assault against the child;

- clarify the types of bail conditions that can be imposed on offenders, including in situations of family violence. As an example, one such bail condition can be that the accused not go to a particular place and not communicate with any witness or other person named in the order;

- allow courts to prohibit convicted child sex offenders from frequenting public places where children are likely to be found, or being employed, whether paid or voluntary, in positions of trust over children;

- to permit a support person to accompany a child victim of sexual abuse while testifying.

58. *An Act to amend the Criminal Code and the Customs Tariff (child pornography and corrupting morals)* came into force on August 1, 1993. This Act amended the *Criminal Code* to provide better protection to children from sexual abuse and sexual exploitation linked to pornography. The Act included new provisions that specifically prohibit the possession, production, sale and distribution of child pornography.

Article 2(g): Penal provisions

59. The Comprehensive Sentencing Reform Bill was tabled in June of 1994. The Bill sets out the purposes and principles of sentencing. It makes "hate crime" (a crime motivated by hatred against a group on grounds such as race or sex) an aggravating factor in sentencing. Abuse of a position of trust is also included as an aggravating factor in sentence. These provisions will help to ensure that violent crimes committed against women are properly dealt with by the courts.

60. The Sentencing Reform Bill will also assist women offenders by ensuring that an offender unable to pay a fine only goes to jail as a last resort. Fines as a sanction cannot be imposed by a judge if the offender is unable to pay. Since many women receive jail sentences for non-payment of fines, this proposal will assist poor women.

Article 3: Measures to ensure the advancement of women

61. New guidelines on women refugees were issued in March 1993 by the Immigration and Refugee Board. The *Guidelines on Women Refugee Claimants Fearing Gender-related Persecution* are designed to ensure that the United Nations' definition of Convention refugee is applied to gender-related refugee claims in a manner which acknowledges ways in which persecution may be experienced by women in their countries of origin.

62. As part of the federal immigrant integration strategy, a new federal immigrant language policy was introduced with the goal of making language training for immigrants more accessible. In June 1992, two language training programs were introduced: Language Instruction for Newcomers to Canada (LINC) and Labour Market Language Training (LMLT). By offering a variety of training options, including part-time and workplace-based training, LINC should increase access to training for women. Childcare is provided on and off site during training sessions. LMLT provides specialized language training beyond

LINC's basic level. It is aimed at immigrants and refugees who have (or have the potential to acquire) occupational skills that are in demand in their local labour market.

63. The Live-In Caregiver Program enables people to come to Canada as caregivers who work and live in Canadian homes (the majority of applicants are women). When the Program was established in April 1992, the eligibility criteria changed from the previous Foreign Domestic Movement Program. The new requirements included the equivalent of Canadian grade twelve education and six months full time training in a field related to caregiving. These changes were criticized by a parliamentary sub-committee. The Canadian Human Rights Commission also expressed concerns over the changes. In June 1993, the Government agreed that verifiable on-the-job experience should be recognized for purposes of qualification. Subsequently, the Immigration Regulations were changed so that applicants were required to have at least twelve months experience in employment related to the job being offered in Canada or six months of full time training. This change took effect on March 16, 1994.

64. In 1989, a Plan of Action for Aboriginal Women and Economic Development was put together by a working group composed of representatives from the three national Aboriginal women's groups and Status of Women Canada (as referred to in paragraph 148 of the Third Report). The Plan was the catalyst for the creation of an Aboriginal Women and Economic Development Steering Committee and Co-ordinator's office, announced in March 1991. Now incorporated as a non-profit organization, the Economic Development for Canadian Aboriginal Women was allocated federal funding of $840,000 in March 1991 to develop education and training opportunities to foster economic and business skills among Aboriginal women, develop a data base on the economic activities of Aboriginal women, communicate and network, and engage in ongoing consultations with the federal government. The contribution agreement ended in March of 1995.

65. In August 1991, the Government established the Royal Commission on Aboriginal Peoples to examine the broad range of issues concerning Aboriginal peoples in Canada. The Commission is composed of seven Commissioners, three of whom are women. As part of its mandate, the Commission is examining the position and role of Aboriginal women under existing and future social conditions and legal arrangements. Its final report is expected in the fall of 1995.

66. A Parliamentary Subcommittee on the Status of Women began hearings on the issue of violence against women in November 1990. Its report, *The War Against Women*, was tabled in the House of Commons in June 1991. Status of Women Canada co-ordinated the federal response to the report, *Living Without Fear...Every Woman's Right, Everyone's Goal*, which was tabled in the House of Commons in November 1991.

67. In August 1991, the Government announced the establishment of the Canadian Panel on Violence Against Women. The Panel's final report *Changing the Landscape: Ending Violence - Achieving Equality* was publicly released in July 1993. The final report contains historic information, an analytical framework and almost 500 recommendations pertaining to all sectors of society. The Panel's report addresses violence-specific issues and recommendations but also casts the issue of women's victimization in a framework of overall gender equality.

68. A *Community Kit* and a video were also released by the Canadian Panel on Violence Against Women. A demonstration project was held in ten communities across the country and the experiences were published in *Community Stories: Taking Action on Violence Against Women* in the fall of 1994.

69. *An Act respecting a national day of remembrance and action on violence against women* received Royal Assent in October 1991, and on each December 6th, community events are held across the country to encourage the people of Canada to take action to eliminate violence against women.

70. The federal government is contributing to the Canadian Association of Broadcasters' (CAB) *Speak Out against Violence* public service announcement campaign to counteract violence in Canadian communities. The key themes include: women and violence, children and violence, fear of violence, and media violence. The government contributed $555,000 to the first year of this three year campaign, while private radio and television broadcasters, members of the CAB, are providing $10 million in air time to broadcast the public service announcements.

71. Canada has recently launched two major international initiatives to counter violence against women. One initiative resulted in the adoption by the United Nations of the *Declaration on the Elimination of Violence against Women* in December 1993. The second initiative in 1994 resulted in Canada playing a leading role in ensuring that the United Nations Commission on Human Rights approve and subsequently appoint a Special Rapporteur on Violence against Women.

72. In November 1994, the federal government announced a National Information System on Child Sex Offenders. The system is based on the national police data-base and will allow organizations and employers that staff positions (paid or volunteer) involving trust or authority over children to work with local police to screen out applicants who have criminal records for sexual offenses, including sexual offenses against children. The government also announced the funding of a public education project which will be undertaken by a national non-governmental organization and which will result in a comprehensive volunteer/employee screening manual for national distribution, as well as community training workshops in over 200 communities.

73. A National Crime Prevention Council was created in July 1994 as part of the National Strategy on Community Safety and Crime Prevention. The Council is an advisory body that has been set up to share and exchange crime prevention information, research and activities across the country, and to co-ordinate existing and future efforts in crime prevention. It will report annually to the federal, provincial and territorial Ministers of Justice and will advise them on possible actions to prevent and deal effectively with crime. Issues related to violence against women are expected to be an important component of the Council's work.

Article 4.1: Temporary special measures

(i) Employers under federal jurisdiction

74. The *Employment Equity Act* includes a provision whereby in 1991, and again in 1994, the provisions, operation and effect of the Act are reviewed by Parliament. The first report *A Matter of Fairness* was tabled in the House of Commons in May 1992. The Report contained 31 recommendations which aimed at expanding the Act to include the federal public service, the Royal Canadian Mounted Police, the Canadian Armed Forces, Parliament, and all federal agencies, boards and commissions. In the federally regulated private sector, the Committee proposed to extend the Act to include employers with 75 employees or more (it currently applies to federally regulated employers and some Crown Corporations with 100 or more employees). The Committee also recommended a stronger enforcement role for the Canadian Human Rights Commission. A new Employment Equity Bill addressing most of these concerns is currently being reviewed by a parliamentary committee.

(ii) Public Service

75. The principle of employment equity has been applied to the federal public service since 1983. A new employment equity strategy was adopted in 1991, utilizing a revised objective-setting method based on recruitment, promotion and retention rather than simple numerical representation, thereby putting more onus on managers to improve employment practices and the corporate culture. With the adoption of the *Public Service Reform Act* (1992), employment equity for the public service is now legislated in both the *Financial Administration Act* and the *Public Service Employment Act*.

76. The federal government has undertaken a major reform of the public service job classification system. The achievement of equal pay for work of equal value requires the use of a common tool to evaluate all jobs, whether they are performed by men or women. For this reason, the Government began undertaking, in January 1991, a Universal Classification Standard in the federal public service, thereby simplifying the process of evaluating jobs. The Universal Classification Standard is still being examined.

77. The Report of the Task Force on Barriers to Women in the Public Service, ***Beneath the Veneer***, was released in April 1990. It suggests the Public Service should focus on balanced representation of women at all levels of the work force. In July 1991, Treasury Board released a report, *Responding to Beneath the Veneer* on how departments and agencies are responding to the Task Force recommendations.

78. On behalf of the Treasury Board of Canada, the Public Service Commission administers the Special Measures Initiatives Program designed to provide practical means to federal institutions to achieve their employment equity objectives. These measures are "special" because they are temporary support measures for the federal employment equity program which aims at providing employment opportunities to members of designated groups, increasing the likelihood of retaining these individuals within a culturally diverse and fully representative workplace. Women, Aboriginal peoples, members of the visible minority groups and persons with disabilities constitute the designated groups in the federal public service.

Article 5: Elimination of stereotypes

79. The Government believes it is important that women have equal opportunity to participate fully in all aspects of the Canadian broadcasting system. The Government fully addressed this issue in the new *Broadcasting Act*, proclaimed in June 1991. The new Act states that the Canadian broadcasting system should "through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights,..." This legislation applies to all broadcasters, requiring them to comply with the practice of employment equity by employing a broad cross-section of Canadians at all levels of the industry.

80. In May 1992, the Canadian Radio-television and Telecommunications Commission (CRTC) released two studies on television violence: *Scientific Knowledge about Television Violence*, an overview of 200 scientific studies, and *Summary and Analysis of Various Studies on Violence and Television*.

81. *Television Violence: Fraying the Social Fabric*, a report of the Standing Committee on Communications and Culture, was released in June 1993. The Parliamentary Committee unanimously recommends that federal and provincial governments work together in establishing a classification system for television programming and films and videos to help Canadians control and moderate the profusion of violence appearing on their television screens. In addition, the Report calls on Canada's television industry to immediately develop and adopt codes of ethical programming to dramatically reduce violence and urges the CRTC to use its regulatory influence in accelerating and sustaining broadcasting conformity to such industry codes.

82. In September 1993, the Action Group on Violence on Television, an organization representing all components of the Canadian broadcasting industry, set out a six-point statement of principles, establishing the basic standards for the depiction of violence in television programming. The Action Group has also established a number of sub-committees to develop a classification system, as well as to initiate educational programs and maintain liaison with parent and teacher groups.

83. In October 1993, the CRTC announced approval of the code on television violence developed by the Canadian Association of Broadcasters, the organization which represents private television and radio companies. The code went into effect on January 1, 1994 and compliance with the code has been made a condition of license renewal. Other sectors of the broadcasting industry have submitted their own code on violence to the CRTC for their approval.

Article 6: Prostitution

84. In November 1992, a review of prostitution-related legislation, policy and practices was initiated by federal, provincial and territorial deputy ministers of Justice. A working group has been set up to perform this task and report to the deputy ministers of Justice.

Article 7: Women in politics and public life

(i) Appointments

85. In 1994, 16 out of the 103 appointed senators were women. In 1993, the Prime Minister appointed the first woman as Government Leader in the Senate.

86. The percentage of women appointed to federal agencies, boards and commissions is 31.2 percent. In 1994, the Prime Minister appointed the first woman Clerk of the Privy Council, the highest position in the federal public service. In the federal public service, 16.7 percent of deputy ministers are women (1994) and, in 1992, women held 17.1 percent of executive managerial positions.

(ii) Judiciary

87. In January 1991, there were 858 federally appointed judges. Of these, 84 (or 9.8 percent) were women. As of April 1994, there were 950 appointed judges. Of these, 122 (or 12.8 percent) were women.

88. In April 1994, changes were made to the federal judicial appointment process to ensure that more women are considered for judicial appointments. New advisory committees have been established in each province and territory. Advisory committees will receive instruction on diversity issues. Greater public accountability of the work undertaken by the advisory committees will include a greater participation of lay members selected for their ability to reflect the diversity of their communities.

(iii) Armed Forces

89. The total proportion of women in the Regular component of the Canadian Forces (CF) increased slightly from 10.5 percent in 1990 to 11 per cent in January 1995. During that same period, women in the Reserve component increased from 21 to 21.8 percent. Regular Force women in non traditional occupations (qualified or in training) increased from 455 in February 1991 to 523 in January 1995. Similarly, Reserve Force women in non traditional occupations increased from 1126 to 1956.

90. The name of the Minister's Advisory Board on Women in the Canadian Forces was changed to the Minister's Advisory Board on Gender Integration in the CF (MABGICF). The board was formed in 1990, to monitor the integration of women in the CF. The MABGICF identified harassment as the major obstacle faced by women seeking a career in the CF. In response to criticism by the MABGICF, the CF has assiduously addressed this issue. Harassment awareness programs and a zero incidence (of harassment) policy have been developed and implemented. Significant progress has been and continues to be made in the areas of harassment prevention and education.

(iv) Royal Canadian Mounted Police (RCMP)

91. In 1988, the National Recruitment Team of the RCMP was formed. Its responsibility was to complement the divisional recruitment strategies in an effort to encourage women and

other target groups to enter the RCMP. As their mandate has largely been met, members of the team are presently being transferred to other areas of the Force, with their positions being dispersed to those divisions in which target group recruiting still requires a specific focus, specifically in large urban centres such as Toronto (Ontario), Montréal (Québec) and Vancouver (British Columbia).

92. Women represent 9.9 percent of the regular membership of the Force, with 7.5 percent in the Special Constable and 43.4 percent in the Civilian Member areas. Of the 346 recruits who were engaged in 1993-1994, 72 (or 20.8 percent) were women.

93. The RCMP has increased promotional opportunities for women who are interested in becoming Commissioned Officers by allowing Corporals to compete for commissions.

(v) Non-governmental organizations

94. In February 1993, the Women's Program at Human Resources Development was renewed. The Women's Program is responsible for providing financial and technical assistance to voluntary organizations working towards equality for women. For over twenty years, the Program has supported hundreds of voluntary organizations to undertake activities such as conferences, research, and public education on women's equality issues.

95. The Aboriginal Women's Program of the Department of Canadian Heritage is the primary source of funding to Aboriginal women's organizations for purposes of improving their socio-economic and political status. The overall mandate of this program is to enhance, promote and foster the social, cultural, economic and political well-being of Aboriginal women within their own communities as well as within Canadian society. Three national Aboriginal women's associations are funded under the program which work with all levels of government to address the doubly disadvantaged position of Aboriginal women in Canadian society.

96. The multiculturalism funding programs in the Department of Canadian Heritage address the difficulties that immigrant, ethnocultural and visible minority Canadians have in integrating and participating fully and equitably in society. The programs also deal with issues surrounding family violence and wife assault. Eligible applicants for funding include immigrant and visible minority women's organizations, ethnocultural groups, immigrant serving agencies, as well as mainstream agencies and individuals, including academic researchers.

(vi) Disabled women

97. DAWN Canada (Disabled Women's Network Canada), a national, feminist, cross-disability network for women, was founded by the Status of Disabled Persons Secretariat in 1985 (refer to paragraph 189 of Third Report). In early 1991, DAWN Canada began the process of facilitating a national consultation between the federal departments participating in the Family Violence Initiative and organizations working with persons with disabilities. Under the Family Violence Initiative, consumer organizations had an opportunity to identify how they might co-ordinate their efforts in addressing violence against persons with disabilities, and to hear from federal departments about their policy funding areas. Both the

Family Violence Initiative and the Disabled Persons Participation Program Fund have funded numerous projects addressing women with disabilities.

Article 8: Women as international representatives

98. Paragraph 191 of the Third Report identifies Canada's objectives with regard to the representation of women in international organizations. Furthermore, in the context of the promotion of women within the United Nations Secretariat, Canada is actively encouraging the adoption of policies and practices to discourage and eliminate any and all forms of sexual harassment.

99. The Department of Foreign Affairs and International Trade is committed to improving the career prospects of women by increasing their representation in management and by facilitating their access to non-traditional occupations. Significant progress has been made in the recruitment of women in the Foreign Service Officer group in recent years. In the past three years, recruitment of female foreign service officers has surpassed 40 percent. The promotion rate of women has also increased dramatically in the past years. In 1993, 31 percent of foreign service officers promoted were women. The retention of women is also higher than that of men in this category. In April 1994, 14 of 110 heads of mission were women.

100. In April 1994, Canadian women occupied the following international positions: Executive Director - UNEP, Assistant Secretary General, Human and Social Sciences - UNESCO, Director, Information Division - NATO, Director, Evaluation and Strategic Planning - UNDP, Comptroller - UNHCR, Co-ordinator, Women Refugees - UNHCR, Director, Personnel and Administration - WFP, Director, Women and Youth Affairs - Commonwealth Secretariat. Of the 651 Canadians in professional jobs in the United Nations system, 177 (27 percent) are women.

101. In 1994, 32 percent of the Canadian International Development Agency's overseas employees were women. Of these: 3 percent occupied positions in management; 94 percent in administration; 3 percent in administration support.

Article 10: Education

(a) Access to studies

102. Through the Department of Indian Affairs and Northern Development (DIAND), the federal government funds elementary and secondary education of on-reserve status Indian children and Inuit children. DIAND also provides funding for status Indian and Inuit people who want to pursue full-time or part-time post-secondary studies. Financial support for tuition, travel and living expenses is available. In June 1994, a $20 million increase for the Indian and Inuit Post-Secondary Student Support Program was announced, bringing the 1994-95 total funding to $247.3 million. Since 1990, just under 22,000 students have used this program annually, two thirds of whom are women.

(c) Elimination of stereotypes

103. One of the most significant developments in higher education in recent decades has been the increased participation of women who, in 1993, represented 52 percent of full-time students and 62 percent of part-time students. Women accounted for 54 percent of full-time undergraduate students, 46 percent of master's and 35 percent of doctoral students. The proportion of women in 1993 was even higher among part-time students, 63 percent of undergraduates, 43 percent of master's and 42 percent of doctoral students. Women made up 54 percent of those studying full-time at the college level and 63 percent of those studying part-time. Despite the fact that women are now outnumbering men in both university and community colleges, only 15.8 percent of graduates in engineering or applied science in 1992-1993 were women.

104. Federal, provincial and territorial Status of Women ministers met with ministers of Education in February 1989 to discuss measures to improve access to education, and again in September 1991, when agreement was reached on strategies to encourage the greater participation of girls and women in mathematics, science and technology.

105. In 1991, a paper prepared for ministers of Education, *Educating Girls and Women for the 21st Century: Its Significance to Canada's Economy*, was endorsed by federal, provincial and territorial Status of Women ministers and Education ministers and released for public distribution.

106. At their 1992 annual meeting, ministers responsible for the Status of Women established a Working Group of Status of Women Officials on Gender Equity in Education and Training. Among other tasks, the Working Group was asked to examine socialization and self-esteem and the impact these factors have on the education and training of girls and women. A paper, *Gender Socialization; New Ways, New World*, was officially released at the June 1993 Conference of Ministers Responsible for the Status of Women. This paper has had wide national distribution, including non-governmental organizations, libraries, the educational sector and members of Parliament.

107. At the June 1993 Conference of Ministers Responsible for the Status of Women, it was agreed that the federal-provincial-territorial Working Group of Status of Women Officials on Gender Equity in Education and Training, with the possible collaboration of labour market colleagues, would undertake the formulation of generic principles for use in the elaboration of bridging and skill development programs for women. As a result, a study of women's training needs and practices was made available to the public in December 1994. Two reports entitled *Rethinking Training: Meeting Women's Training Needs* and *Meeting Women's Training Needs: Case Studies* were produced.

108. In 1991, Industry Canada produced a motivational and instructional video *Rap-O-Matics: Catch the Beat of Science and Math*, for students age 11 to 15, to encourage young people, particularly girls, to keep up their maths and science courses throughout high school.

109. In 1991, the Canadian Teachers Federation released a report, *A Cappella*, a study of more than 1,000 adolescent females which revealed that young women are facing significant barriers to their academic career and life aspirations because of their gender.

110. In 1992, the Economic Council of Canada released its report, *A Lot to Learn: Education and Training in Canada*. The report looks at women in positions of authority within the Canadian education system, among other areas.

111. In March 1993, the Report of the National Advisory Board on Science and Technology was released, *Winning with Women in Trades, Technology, Science and Engineering*.

112. The Canadian Committee on Women in Engineering was created with federal support, in February 1990, to examine the environment for and participation of women in engineering in Canada. Its report, *More Than Just Numbers*, was released in April 1992. It made 29 recommendations, ranging from changing attitudes of educators, employers and the engineering profession, to addressing gender equity issues through training programs. The implementation of these recommendations by both the private sector and the government is being monitored by Industry Canada.

113. The Canadian Teachers' Federation released a report in 1992, *The Better Idea Book: A Resource Book on Gender, Culture, Science and Schools*. The report revisits the economic imperative of encouraging girls to continue with studies in math and science.

(d) The same opportunities for scholarships and grants

114. In October 1990, His Excellency the Governor General of Canada announced that, effective in 1991, the Governor General's scholarships in Environmental Engineering, each valued at $1000, would be awarded to 25 Canada scholars entering their final undergraduate year in engineering. The terms for receiving the Scholarships provide that 50 percent of the first-year scholarships are awarded to women.

115. The Canada Scholarships Program of Industry Canada was launched in 1988 for five years and was then extended to 1995-96. It is designed to recognize and encourage outstanding students to pursue undergraduate and college studies in natural sciences, engineering, technology and related disciplines. The scholarships are divided equally between men and women.

Article 11: Employment

Article 11.1 : Measures to eliminate discrimination in the field of employment

116. In April 1993, the federal government proclaimed into force amendments to the unemployment insurance (UI) legislation. The amendments eliminate UI benefits for individuals who quit their jobs without just cause. "Just cause" is defined in the Act as having no reasonable alternative to quitting a job and includes sexual harassment or other forms of discrimination as circumstances that may constitute just cause.

117. In June 1994, a policy that extended the benefit of the doubt to a person applying for unemployment insurance who claims harassment as the reason for quitting a job was made law. This gives individuals greater assurance that they will be able to receive unemployment insurance if they are forced to leave their job due to sexual or other harassment.

118. To support the implementation of the law, Status of Women Canada worked with Unemployment Insurance officials of Human Resources Development Canada to design an awareness video training package on sexual harassment and racial discrimination for all UI employees.

119. The Women's Bureau at Human Resources Development Canada has prepared a compendium with various business and union leaders on what they are doing to combat sexual harassment. The publication *From Awareness to Action, Strategies to Stop Sexual Harassment in the Workplace* was released in February 1994.

Article 11.1(b): Same employment opportunities

120. The Department of Canadian Heritage has been active in funding several projects that deal with the barriers that exist for foreign-trained professionals in Canada, including immigrant women. Initiatives include a major analysis of national census data on the correlation between education obtained abroad and income and occupational attainment of immigrants in Canada, information sessions, survey research, advocacy and pilot projects that promote credential recognition for foreign-trained women.

Article 11.1(c): Free choice of profession

121. The Canadian government recognizes the importance of better understanding the needs of women-owned businesses, to help them start up, grow, become more profitable and contribute to long-term job creation. Several studies of women entrepreneurs and their businesses have been undertaken with federal government funding to assist in the development of programs and policies that respond to the needs of women who own and operate businesses. The federal government is a sponsor of the Canadian Woman Entrepreneur of the Year Awards, which were presented for the first time in November 1992.

122. Women now represent about 25 percent of business owners in Canada. In recent years, women have been starting their own businesses at three times the rate of men and succeeding more often, at a time when small business is credited with creating most of the new jobs in Canada in the past decade. The Federal Business Development Bank (FBDB), a Crown corporation, published in 1992 a resource guide on women-owned businesses in Canada (1975-1991) entitled *Women in Business: A Collective Profile*. In this guide, the FBDB has gathered together research from a range of national, regional and provincial surveys on women entrepreneurs and has organized the information by theme for easy reference. In 1992, the FBDB launched its *Step-Up* program which was designed to provide specific training and support for women business owners to further develop or expand their business.

123. Those Canadians most in need of training and work experience are the focus of the Employment Program and Service Framework, created in July 1991 to refocus the Canadian Jobs Strategy. The structure of services was changed to emphasize different "clients" such as workers, employers and communities; components of each of these areas assist Aboriginal, disabled and visible minority women.

124. One of the major initiatives under the Employment Program and Service Framework is the Self-Sufficiency Project, a $50-million research initiative to facilitate long-term economic self-sufficiency through employment for lone parents on social assistance, the majority of whom are women.

Article 11.1(d): Equal pay for work of equal value

125. The Canadian Human Rights Commission continues to promote respect for the equal pay provisions of the *Canadian Human Rights Act* and to investigate complaints made under these provisions. The Commission reports that up to 1994, it has resolved about 110 complaints. Total compensation payments in the range of 100 million dollars have been made to the complainants by their employers or former employers as a result of these complaints. At the end of 1994, 45 complaints were under investigation or before tribunals. While acknowledging that the complaint procedure has had some commendable results in individual cases, the Commission considers that it is slow, laborious, confrontational and limited in its overall effectiveness. The Commission has expressed the view that the *Canadian Human Rights Act* should be amended to require the employers take the initiative in eliminating sex-based inequities from their compensation systems. The Government of Canada is examining the recommendations of the Commission, taking into account the progress that has been made in implementing pay equity at the federal level.

126. The Labour Program of Human Resources Development Canada (formerly Labour Canada) continues its proactive program to ensure pay equity in the federally-regulated establishments. As at the end of 1994, officials of the Department had visited some 1250 employers under federal jurisdiction, which employ a significant number of the total number of employees covered by the federal equal pay legislation, to offer advice and counselling and to monitor progress toward implementation. While the legislation does not require employers to report the amounts of pay equity adjustments, some 47 employers voluntarily reported 38.9 million dollars in adjustment payments as at April 1995. All cases referred to the Canadian Human Rights Commission for investigation were resolved.

127. In 1991, the Department launched a major review of pay equity compliance within federally-regulated employers. The review was based on a 10 percent sample of the employers being monitored by the Department. Eighty-eight percent of the employers surveyed reported that the implementation process was complete or at various stages of completion. The results of this review have been described in the 1993 report to the International Labour Organization on the Equal Remuneration Convention. In 1994, the Department introduced a pay equity audit process to verify the actions of employers who report having completed their implementation and to work with those employers to resolve any identified gender-based pay inequities.

128. With respect to the public service, the Treasury Board continues to implement equal pay for work of equal value between women and men. Over the years, substantial progress has been made with significant amounts of money spent on pay equity adjustments. Moreover, a major settlement has been reached recently with the Professional Institute of the Public Service of Canada. The terms of this settlement will be implemented after being approved by the Human Rights Tribunal. However, the complaints filed by the Public Service Alliance of Canada are still pending before the Human Rights Tribunal and a

decision is not expected until the end of 1996. A number of individual and collective equal pay complaints are currently before the Canadian Human Rights Commission and the Treasury Board is co-operating in their investigation.

Article 11.1(e): Pension and social security benefits

129. Income tax amendments related to retirement savings were implemented in 1991. The changes include provisions to facilitate pension sharing and amendment of the definition of spouse which, among other things, now permits the provision of survivor benefits to a common-law spouse.

130. The *Act to amend certain Acts in relation to pensions and to enact the Special Retirement Arrangements Act and the Pension Benefits Division Act* received Royal Assent in September 1992. Some of the changes for public service employees which particularly affect women include an increase in the basic supplementary death benefit (effective October 1992), survivor benefits payments to a spouse who marries a plan member after the member's retirement from the public service (effective February 1994), pension coverage for part-time employees (effective November 1993), and the division of pension benefits in the event of termination of marriage or common law relationships (effective September 1994).

Article 11.1(f): Occupational health and safety

131. In 1991, the Women's Bureau at Human Resources Development Canada published *Occupational Safety and Health Concerns of Canadian Women: A Background Paper*. This paper examines the possible health and safety issues associated with those occupations with a large number of women, so-called "traditional" female jobs, and also examines selected health and safety concerns associated with non-traditional, blue-collar jobs.

132. Health Canada sponsored a national Research Roundtable on Gender and Workplace Health in 1992, at which concepts and strategies for improving the health and safety of women at work were discussed. The agenda addressed a wide range of topics, including work hazards, the effect of cultural attitudes on work, substance abuse and HIV/AIDS as occupational health threats to women workers, the interaction of women's multiple roles on women's health, and the effects of workplace stress and the special needs of vulnerable groups of working women. Roundtable proceedings were published.

133. The Report of the Royal Commission on New Reproductive Technologies, *Proceed with Care* (described in Article 12.1), includes recommendations pertaining to occupational safety and health.

Article 11.2(c): Child care

134. In 1994, the federal government contributed approximately $680 million annually to the cost of child care services for parents, through a mix of cost sharing, transfers and tax measures.

- The federal government cost shares subsidized regulated child care spaces with the provinces under the *Canada Assistance Plan* at a cost of $275 million in 1992-1993. In 1993, there were 362,818 regulated child care spaces in Canada.

- The federal government provides tax assistance to parents using child care services through the Child Care Expense Deduction, which was increased in 1992 to $5,000 for children seven and under and those with special needs, and to $3,000 for older children up to age 15, at an estimated cost of $300 million annually.

- The federal government provided approximately $93 million in dependent care allowances to parents under federal training programs in 1993-1994.

- Under the Child Care Initiatives Fund, a time-limited program aimed at enhancing the quality of and encouraging innovation in child care services, the federal government spent $11 million in 1993-1994 on research, development and demonstration initiatives undertaken by community groups and learning institutions in order to improve Canadian child care research, information and support structures for parents and caregivers, as well as to test alternative models of service in child care delivery. Twenty percent of the fund has gone towards Aboriginal child care projects on and off reserves.

135. Canada's third report (Article 11.2) describes changes to Canada's system of maternity and parental leave and benefits. The *Canada Labour Code* now provides employees under federal jurisdiction with similar flexibility as the *Unemployment Insurance Act* in the timing of parental leave.

136. The report *Balancing Work and Family Responsibilities: Current Canadian Practices* was prepared by the Women in Employment Committee of the federal, provincial and territorial departments responsible for Labour, and was released in February 1995. The report is an important source of information about innovative employer practices.

Article 11.2(d): Measures during pregnancy

137. As a result of the adoption of an *Act to amend the Canada Labour Code and the Public Service Staff Relations Act*, which received Royal Assent on June 23, 1993, the *Canada Labour Code* now requires that employers under federal jurisdiction make reasonable attempts to modify a job or arrange reassignment for pregnant employees when their health needs so require. If other suitable work arrangements are not possible, the employee may be entitled to claim regular unemployment insurance benefits rather than being required to use up limited maternity-related benefits.

Article 12: Health care

Article 12.1: Access to health care services

138. In August 1993, the federal Minister of Health announced the creation of a Women's Health Bureau within Health Canada. The role of the Bureau is to ensure that women's health concerns receive the necessary attention and emphasis in Health Canada, to promote

an understanding of gender as a critical variable in health, and to analyze and assess the impact of policies, programs and practices in the health system on women and women's health.

139. Health Canada has developed a second five-year plan of action which sets out women's health policies and program direction through 1990-1995. The Women's Health Bureau will co-ordinate the development of a national health strategy to address various aspects of women's health, including the establishment of Centres of Excellence for Women's Health.

140. After wide consultations, the Report of the Royal Commission on New Reproductive Technologies, entitled *Proceed with Care*, was completed and released in November 1993. The major recommendations of the Royal Commission were: to create a national reproductive technologies commission to licence, regulate, and monitor technologies; to prohibit certain technologies; and to advance strategies for the prevention of infertility. The Commission recommended the criminal prohibition of certain practices including the sale of human eggs, sperm, embryos, fetuses, and fetal tissues and the advertising of and payment for contract motherhood. It recommended the banning of sex selection clinics. The Government of Canada is developing a response to the Royal Commission's Report.

141. In 1992, the Government of Canada provided $25 million over five years to *inter alia* establish the Breast Cancer Research Initiative and Challenge Fund, and to develop five regional breast cancer information exchange pilot projects. A National Forum was held in 1993 which brought together health professionals, educators and breast cancer survivors. An advisory board selected from these groups was created to choose the pilot projects and sit on the management committee which will give broad direction on the allocation of research funds.

142. The federal Family Violence Initiative (1991-95) funds many activities with a significant women's health component. A discussion paper, *The Health Care Sector's Response to Woman Abuse*, was published through this Initiative in 1993 to examine the health sector's treatment of women who have been abused in intimate relationships. The study acknowledges that violence against women is a newly emerging concern in the health care sector. It also stressed that integration of government and community responses is necessary to develop a range of primary prevention activities and compassionate treatment programs.

143. As part of Canada's Drug Strategy, in October 1993 Health Canada sponsored a Roundtable on Women and Substance Use, Misuse and Abuse, and in February 1994 a National Workshop for Action on Women and Substance Abuse. The meetings brought together experts from across Canada to identify key issues for women of all ages, and strategies for action. The conference proceedings will be published in 1995.

144. An initiative on women and smoking was announced by the government in July 1993. As one of several initiatives aimed at reducing tobacco use by Canadians, it includes efforts to ensure that eliminating women's use of tobacco becomes a higher priority for the federal government. The Women and Tobacco Working Group was established in 1993 as a sub-group of the federal government's Tobacco Demand Reduction Strategy Steering Committee. An information network on women and tobacco plans to co-ordinate activities and policy

development as well as create links with international efforts. Research documents include: *A Situational Analysis of Adolescent Women's Substance Use* and *Pre and Postnatal Smoking: A Review of the Literature*.

145. In July 1993, the Federal-Provincial-Territorial Working Group on Women's Health released a report entitled *Working Together for Women's Mental Health*, which is meant to provide a framework for the development of policies and programs for women. This Report is a companion piece to their 1990 document *Working Together for Women's Health* (see Third Report, paragraph 221).

146. The Department of Canadian Heritage and Status of Women Canada work at addressing issues of health care, social services, and mental health as these affect immigrant women, women of ethnocultural communities, and visible minority women, and especially those women who speak neither official language. These issues include the accessibility of services, and whether or not these women's needs are being addressed in a culturally and linguistically appropriate manner by the agencies and professionals they turn to for assistance.

Article 12.2: Appropriate services in connection with pregnancy, confinement and the post-natal period

147. The Brighter Futures Initiative, introduced by the government in 1992, includes the Child Development Initiative, a series of long-term programs designed to address conditions of risk during the earliest years of a child's life. It is implemented to reduce conditions of risk in which many children, particularly young children, find themselves, through measures aimed at prevention, promotion, protection and partnership through community action.

148. The new Canada Prenatal Nutrition Program is another important step in supporting women's health. The Program, announced in the February 1994 Budget, is targeted to low income pregnant women and will set up or expand already existing prenatal programs across Canada.

Article 13: Economic and social life

149. Women in Canada, as in other countries, carry out a disproportionate burden of unpaid work. To this end, the first Canadian-organized International Conference on the Measurement and Valuation of Unpaid Work was held in Ottawa in April 1993. Sponsored by Statistics Canada and Status of Women Canada, the conference brought together statisticians from around the world and representatives of Canadian women's groups to discuss the valuation, recognition and measurement of unpaid work such as household management, volunteer work and care-giving. Canada is testing the viability of including questions on unpaid work in the 1996 Census.

150. Statistics Canada has for many years generated, in association with its System of National Accounts, estimates of the value of non-market activities performed in the home. Estimates on the value of household work, *The Value of Household Work in Canada* (Third and Fourth Reports), were published in 1992 and 1994. Statistics Canada also carries out

General Social Surveys which provide the richest source of data on unpaid work. The latest publication based on findings was published in 1993.

151. Issues of economic equality have not been the subject matter of neo-classical economics; however, feminist economics is gaining grounds within the Canadian academia. In November 1993, Status of Women Canada co-sponsored an Economic Equality Workshop with the British Columbia Ministry of Women's Equality and other provincial and territorial women's directorates. The workshop, held in Ottawa, brought together academics, researchers, and policy makers to advance the collective knowledge of economic equality issues and their impact on women. Proceedings and papers are available from Status of Women Canada.

Article 13(a): The right to family benefits

152. The February 1992 budget included a new Child Tax Benefit which replaced the family allowance, the child tax credit and the refundable child tax credit with an enriched tax-free monthly payment targeted towards low-and middle-income families. Since January 1993, the federal Child Tax Benefit provides monthly assistance on behalf of children under 18 in families with low to middle incomes. Children's special allowances are allocated to child welfare agencies, government departments and to foster parents on behalf of children under age 18 who are in their care.

Article 13(b): The right to bank loans, mortgages and other forms of financial credit

153. The February 1994 Budget announced measures which will assist small business owners. Since women represent 30 percent of entrepreneurs in Canada, initiatives to help small businesses will benefit women. One of the biggest hindrances to women in small businesses has been access to financing. The Government stated that it would be vigilant in ensuring that women's concerns are heard at the joint Industry-Finance task force that has been set up to develop a code of conduct for small business lending.

Article 13(c): The right to participate in recreational activities, sports and all aspects of cultural life

(i) Sport

154. In 1991, Sport Canada published a second edition of *Women, Sport and Physical Activity: Research and Bibliography*, which provides a feminist critique of research on women in sport and physical activity, and serves as a guide to issues affecting women's participation in the field. A further edition, focusing on selected research themes, has since been developed for publication in 1994.

155. In response to recommendations of the Minister's Task Force on Federal Sport Policy, the Government of Canada, in 1993, announced its continuing commitment to encourage the involvement of girls and women as participants and leaders in sport. It also undertook to pursue activities to correct the current gender imbalance across all aspects of sport.

156. Through the Women's Program of Sport Canada, support is provided to organizations and projects which aim to increase opportunities for women in sport. For example, funds are provided annually to the Canadian Association for the Advancement of Women in Sport and Physical Activity (CAAWS) for its advocacy and educational work related to gender equity issues. In 1993, collaborative work resulted in the production of *Towards Gender Equity for Women in Sport: A Handbook for National Sport Organizations*, as well as an issue paper entitled *Self Esteem, Sport and Physical Activity*. The latter recommends strategies for organizations, coaches, teachers, parents and other leaders, to improve self-esteem in adolescent women. Sport Canada and CAAWS have also been working in partnership with other organizations to develop a sexual harassment policy for the national sport community.

157. Support is also provided to a range of leadership and career development initiatives for women in coaching, including a special Commonwealth Games apprenticeship program for 1993-94, which has served as a developmental opportunity for women to participate in high performance coaching and culminated with the 1994 Canada-hosted Commonwealth Games. As part of its commitment to gender equity, the Commonwealth Games Association of Canada approved a set of wide ranging objectives in 1993 to expand competitive and leadership opportunities for women as well as advocate on behalf of gender equity issues at an international level.

(ii) Cultural life

158. In 1990, the National Film Board (NFB) developed New Initiatives in Film to provide filmmaking opportunities for women of colour and women of the First Nations. In 1991, the NFB established Studio One, which has a mandate to provide Native people the opportunity to produce and direct films.

159. The NFB's women studios, Studio D and Regards de femmes, produced several films for, by and about women on issues such as reproductive technologies, disabled women, the history of Native women, violence against women, women artists, and women entrepreneurs.

160. The NFB also co-ordinates the Federal Women's Film Program which focused its efforts and energies on creating films examining the following themes: women and work, the challenges faced by rural and farm women and the situation of elderly women. Sixteen films in each official language were produced.

161. In 1992, October was designated by the federal government as Women's History Month as a way of publicly recognizing the significant, but often overlooked, contributions of women to Canadian society. The events and activities organized by various women and community groups, schools and businesses drew widespread media attention and fostered an appreciation of the past and present contributions of women in Canada.

162. To redress the lack of adequate recognition of women's contribution to Canadian History, the National Historic Sites Directorate of Parks Canada has begun to consult with Canadian women as to how to improve the representation of their histories in Parks Canada's system of national historic sites. In 1992 and 1994, two national workshops on the History of Women in Canada were convened to aid in this process. National Historic Sites is now

developing proposals to guide Parks Canada in addressing this initiative over the next 10 years and more.

163. In 1993, the Department of Canadian Heritage partnered with Canadian Women in Radio and Television to launch the Jeanne Sauvé Awards for Women in Communications. The Awards were established by the Department in recognition of the entry, development and advancement of women in the electronic media and allied fields, including cable, telecommunications and film. The Awards also contribute to the industry's efforts to promote employment equity for women.

164. In recent years, Canada Post has issued, for International Women's Day, stamps commemorating Canadian women of distinction. In 1994, Canada's first woman Governor General was commemorated on a stamp. In 1993, a set of four stamps were issued to mark the centennials of the establishment of the National Council of Women of Canada (NCWC) and the founding of the National Office of the YWCA. This set also coincided with the 50th anniversary of the first federally appointed woman judge of Canada.

Article 14: Rural women

Article 14.1: Economic equity for rural women

165. The federal, provincial and territorial ministers of Agriculture, at their July 1994 annual meeting, addressed farm women's issues for the first time in this primary policy making forum. Ministers agreed to a number of specific measures which will provide added focus to government activities in support of the advancement of farm women, including a review of federal and provincial programs from an equity perspective. The Record of Decisions released at the meeting includes four statements recognizing the importance of farm women to the agricultural sector.

166. The 1991 Census of Agriculture was the first in history to gather information on up to three operators per farm in Canada. This change provided a more comprehensive profile of the women involved in Canadian agriculture. The data available range from age, marital status and education, to occupation and income information, as well as farm characteristics. As a result, the 1991 Census indicated that an additional 89,705 women were "multiple operators", in combination with one or more other persons, most often men. Together, individual and multiple women operators accounted for one-quarter of all farm operators.

167. The Farm Women's Bureau of the Department of Agriculture and Agri-Food is also sponsoring the development of a statistical profile of farm women's economic equality within farm business enterprises. The intention is to determine the impact of farm women's employment status, as partner/joint shareholders, paid employee of spouse or unpaid family labour, on their economic security. The profile will also seek to determine what direct economic returns (wages, profits, asset accumulation), if any, farm women receive in their own right, rather than under the rubric of "farm family income".

Article 14.2: Rural development

168. In 1993, Human Resources Development Canada put into place an Industrial Adjustment Services committee to address the training needs of farm women. The committee undertook a number of different research activities, including a national consultation, and is now considering various means of implementing the findings of its report.

169. A number of the projects sponsored under the federal government's Family Violence Initiative (1991-1995) address the particular needs of vulnerable groups, including women from rural and remote communities. For example, through the Initiative, the Canadian Farm Women's Network was sponsored to produce a video and study guide designed to engage audiences in a dialogue on rural wife abuse. Also with assistance from the Initiative, the YWCA of Canada, as part of its major three-year project to promote public awareness of violence against women, developed the resource — *There's No Excuse for Abuse: Rural and Remote Kit*, which is intended to help women in abusive relationships understand their situations and to work through choices, as well as enhance general understanding of the issue.

Article 15.1: Equality with men before the law

170. In 1990, the federal, provincial and territorial ministers of Justice/Attorneys General established a Working Group on Gender Equality in the Canadian Justice System. To facilitate the research of the working group, a National Symposium on Women, Law and the Administration of Justice was sponsored by the federal Department of Justice in June 1991. The Department's response to the Symposium's recommendations, released in September 1993, included a Departmental Action Plan on Gender Equality designed to promote gender equality in the Canadian justice system.

171. The Federal-Provincial-Territorial Working Group on Gender Equality in the Canadian Justice System released its report in July 1993. The report includes a series of proposals for action by federal and provincial Attorneys General to eliminate gender discrimination in the justice system, including changes to appointment and discipline procedures for judges, and increased provision of civil legal aid services to women.

172. Additional work on the issue of gender equality in the legal system was sponsored by the Canadian Bar Association in its report entitled *Touchstones for Change*. The report, published in August 1993, makes various recommendations to assist women working in the legal profession and to ensure that judges treat all women in a fair and impartial manner. In response to the report, the Department of Justice established a task force on gender equality in the legal profession.

Article 16: Women and the family

173. The Third Report of Canada describes the Family Violence Initiative launched in 1988. In February 1991, the federal government announced the extension of its Family Violence Initiative and allocated $136 million over four years to seven federal government

departments. The Initiative, which addresses violence against women, child abuse and abuse of seniors, has focused on the following program objectives:

- increase public awareness and prevention efforts;
- strengthen the federal legal framework;
- provide services to Aboriginal people on reserves and Inuit communities;
- strengthen intervention and treatment services;
- increase the availability of emergency shelters and second-stage housing for victims;
- enhance national co-ordination and information exchange;
- establish a solid information base on the extent of family violence.

174. Throughout the Family Violence Initiative, special consideration is to be given to disabled, immigrant, visible minority, rural, Aboriginal and senior women. Across the Family Violence Initiative, approximately 2,000 projects have been funded to date, many in partnership with provincial governments or non-governmental organizations, to improve safety, treatment and follow-up for abused women.

175. Major components of the federal Family Violence Initiative included:

- funding of $36 million to First Nations and Inuit communities to address the problem of spousal abuse and other forms of family violence;
- funding to provide emergency and second-stage shelter units in both urban and rural locations. Canada Mortgage and Housing Corporation assumes the responsibility for the delivery of Project Haven and the Next Step Program;
- the 1991-1992 and 1992-1993 Transition Home Surveys;
- the national survey on violence against women conducted by Statistics Canada, the result of which were released in November 1993; this survey was the first of its kind to provide reliable national estimates of the nature and extent of violence against women, and of women's fear of victimization;
- the establishment of a network of five centres of excellence on Family Violence and Violence Against Women;
- the launching of a large-scale national public education program on violence against women through the YWCAs across Canada;
- awareness-building sessions for the National Parole Board.

176. In June 1994, the federal, provincial and territorial Ministers responsible for the Status of Women endorsed the *Regina Declaration on the Rights of Women Subjected to Violence*. The Declaration calls for a recognition that women subjected to violence have the right to equal protection and equal benefit under the law. This includes the right to life, liberty and the security of person. It also affirms women's rights to have just, timely and effective remedies for the harm they have suffered.

177. The Royal Commission on Aboriginal Peoples is mandated to examine, among others, the issue of family violence. It will release its report in 1995.

178. The National Film Board's Federal Women's Film Program will be making a series of films in French and English (1994-1997) targeted to adolescents, families and schools, that examines the phenomenon of violence. The films will present positive ways of "fighting" societal violence, from a woman's perspective. Themes currently under consideration are psychological violence, drugs at school, the influence of the media, and an uncertain future. The National Film Board also operates a video loan service; many films on family violence are available across the country.

179. The National Film Board, in co-operation with a number of federal departments, also produced a documentary entitled *For Generations to Come*.

180. The Canada Committee for the International Year of the Family, composed of business, labour and government representatives, has planned and co-ordinated activities and events to celebrate, in 1994, the United Nations International Year of the Family across Canada. Also in 1994, the Conference Board of Canada organized three national conferences on various aspects of work and family. The Conference Board of Canada also released *The Work and Family Challenge: Issues and Options*. A number of reports have also been released including: Statistics Canada's *Basic Facts on Families in Canada, Past and Present* and *A Portrait of Families in Canada*, and the Canadian Advisory Council on the Status of Women's *110 Canadian Statistics on Work and Family*.

181. The study *The State of the Family in Canada*, released in December 1994, was undertaken by the Committee for the International Year of the Family, 1994. The document consists of a public research study on Canadians' attitudes and opinions about issues facing families in Canada today.

182. Statistics Canada issued *Dimensions of Job-Family Tension* in January 1995. It documents the characteristics of persons who are involved in family care that goes beyond the care of their own children.

183. On March 25, 1993, *An Act to amend the Divorce Act and the Family Orders and Agreements Enforcement Assistance Act* received Royal Assent. This Act is intended to simplify the procedures for obtaining child custody or a support order, or a variation of an existing order, for spouses who live in different provinces. The Act is also designed to improve access to data that may assist in the location of individuals who are alleged to have abducted a child.

184. The *Income Tax Act* requires the recipient of child support payments to include the support as income for tax purposes, and entitles the payer of support to deduct the amount of support payments from taxable income. In May 1994, the Federal Court of Appeal ruled that the requirement that the recipient parent pay income tax on child support payment is unconstitutional under the *Canadian Charter of Human Rights and Freedoms*. On May 18, 1994, the Canadian government announced that it would appeal this decision to the Supreme Court of Canada. It also established a task group of three government members of Parliament to consult with Canadians and advise the government concerning the appropriate tax treatment of child support.

185. The Family Law Committee, a standing committee of federal, provincial and territorial officials, has been examining issues relating to child support since 1990. The Committee's report and recommendations were released in January 1995. The Report recommends the adoption of a formula to determine appropriate levels of child support, discusses options for the taxation of child support and outlines the direction for future measures to improve the enforcement of support payments.

186. A joint Federal-Provincial-Territorial Working Group of Human Resources Development Canada and Status of Women Canada officials drafted a paper, *Women and Men in the Workplace*, a discussion of workplace supports for workers with family responsibilities. The paper, publicly released in June 1993, is a concise discussion of the options available to ease the integration of work and family responsibilities. Live-in caregivers play an important role in the provision of child care. They also provide care for seniors or disabled persons in their homes.

187. Human Resources Development Canada initiatives on work and family responsibilities have included: publication of resource materials, co-sponsorship with Statistics Canada of a Symposium on Work and Family Arrangements (September 1993), a contribution program entitled Workplace Equity Fund, and a series of four regional seminars with senior representatives from labour and management. These representatives examined the development of strategies to meet the needs of employees with family responsibilities

188. In December 1993, Statistics Canada published a report entitled *Dual Earners: Who's Responsible for Housework?* This report concludes that, although housework is usually shared more equitably as women's education level and earning power grow, women perform the majority of housework especially as the number of children increases, regardless of their working status.

PART III: MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES*

1. NEWFOUNDLAND

189. This submission will update to March 31, 1994 the information contained in Canada's earlier reports under the Convention.

Article 2

190. *The Human Rights Code* replaces *The Newfoundland Human Rights Code, 1988* and offers protection to women against: discrimination in admission to public places and services (s. 6), in the rental of dwelling units (s. 7), and in employment (s. 9); harassment on the basis of sex in the rental of dwelling units (s. 8), and in an establishment (s. 12); sexual solicitation by a person in a position to confer or deny a benefit or advancement where the person knows or ought reasonably to know that it is unwelcome (s. 13); and discrimination in pay where they are performing the same or similar work as men (s. 11). Discrimination on the basis of pregnancy is considered to be discrimination on the basis of sex. The following table demonstrates the extent of complaints related to sex as a prohibited ground.

1994	Total (new in 1994 and carried from 1993)
In the context of employment	135
Harassment in an establishment	10
Equal pay for same or similar work	4
Sexual solicitation	4

191. *The Human Rights Code* provides for referral of a complaint that cannot be settled to a Board of Inquiry. The Newfoundland Human Rights Commission is a party to the proceedings and will present the complaint before the Board. The complainant has an option to retain separate legal counsel at own expense.

192. *The Human Rights Code*, s. 19, authorizes the Human Rights Commission to approve special programs for women which are designed to prevent, reduce or eliminate disadvantages based on or related to their gender.

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* Geographical order, from east to west.

Article 3

193. Initiatives related to the right of women to live in a safe, violence-free environment include: (a) provision of funding for workshops around the province on wife abuse (1990); (b) provision of funding to allow the continued operation of four shelters across the province plus funding to open a new shelter in Gander in June 1991; (c) development of a Victim Witness Assistance Program (Victim Services Program) commenced in 1991-92. This includes the expansion of the Victim Services Program (December 1993) with six new victim services offices and regional co-ordinators across the province, targeted to start-up in February 1994. As well, two new initiatives were introduced: access to professional counselling services; and contributions to community-based groups for select local projects; (d) introduction of a policy for the Newfoundland and Labrador Housing Corporation giving priority to women who need housing because they are leaving an abusive situation (1991); (e) provision of education on sexual harassment including the conduct of a free seminar on sexual harassment in three locations and by teleconference (1992), the publishing of an information sheet on sexual harassment, and the publishing of a poster on sexual harassment (1993); (f) provision of workshops in six communities across the province for volunteer facilitators of groups for women survivors of violence (one in 1992-93; five in 1993-94); (g) publication by the Women's Policy Office of *Sharing Our Strengths*, a manual for volunteer facilitators of self-help groups working with women who are survivors of violence (January 1994); (h) appointment of an Interdepartmental Committee to Build a Provincial Strategy on Violence Against Women, Children and Elderly and Dependent Adults (December 1991) – consultation paper released in April 1993; consultations held in five regions across the province to get community input on consultation paper – report on the consultation process is now available; (i) development of Family Violence Referral Card for distribution. The Card sets out the fact that spousal abuse is a crime and contains information on peace bond, restraining orders and shelters.

194. With respect to education, we report the following initiatives: (a) Role Modelling Project – pilot project matched high school students and post-secondary students with women employed in non-traditional occupations (1990-91); (b) Student Aid changes which benefit single parents (1990-92) – grants increased from $1250 to $1600 per year; child care expense increased by $100/month for those using other than registered day care; (c) funding provided for WISE Choices video and teacher's guide (video encouraging young women to enter scientific and technological occupations); (d) publication and distribution of *Expanding Choices: Math and Science Programs for Girls and Women – A National Listing* (1993), compiled by the Nova Scotia Women's Directorate; (e) establishment of the Liaison Committee on Gender Equity in Education (1993); (f) publication and distribution of *Gender Socialization: New Ways, New World* (1993); (g) the Women's Policy Office is now producing brochures on gender bias-free parenting which should be available for distribution by Fall 1994.

Article 4

195. Special measures adopted to accelerate *de facto* equality between men and women include (a) examination of contract compliance as a possible means for government to work towards employment equity in the provincial public sector; (b) encouragement of school

boards to develop employment equity plans. The Women's Educational Services Consultant conducted workshops on employment equity for school boards throughout the province in 1990-91; (c) re-activation of the Employment Equity Council. The Council submitted its report to the President of Treasury Board in April 1993.

196. With respect to increased representation of women on boards, commissions and agencies, the Women's Policy Office reports that the figure for female participation on boards has risen to 34 percent in 1994, 38 percent for discretionary appointments.

197. The Department of Education has revamped the Employment Equity Policy for School Boards and will be requiring school boards to submit details of employment equity policies and programs and to provide annual progress reports.

Article 7

198. The tables below provide some information on the percentage of females in decision making roles in municipalities, the legislature, the judiciary and the government as well as the number of female members on the school boards.

Article 10

199. In May 1993, the Department of Education conducted a study on the attitudes of Newfoundland and Labrador youth on sexual coercion, gender stereotypes and homosexuality.

200. An action plan, *Blueprint for Skills Development: Planning for Diversity in Apprenticeship*, was prepared in the summer of 1992. As a preliminary measure, sensitization workshops were given around the province. The Labrador workshops addressed accessibility in rural areas.

201. Newfoundland was the lead province in co-ordinating a Jurisdictional Review of Equity in Apprenticeship in Canada; the final report, after consultation with the provinces, is nearing completion.

Article 11(1)(d)

202. In 1991, the Government concluded pay equity studies for Newfoundland and Labrador Hydro and the Health Care Sector I (Support Classifications). To date, affected female dominated classifications have received four cumulative annual wage adjustments based on one percent of total annual payroll. As of March 20, 1995, these adjustments will increase to two percent and will remain at that level until pay equity is achieved.

203. Pay equity studies are currently underway for other female dominated groups in health care (nurses and allied health professionals) and general government (including Crown Corporations and post-secondary educational institutions). The first pay equity adjustments for these groups are expected to be made mid-way through the 1995-96 fiscal year. Pay equity wage adjustments for these groups will be calculated on the basis of one percent of total payroll.

Article 11(1)(e)

204. Since 1991, the Government has increased its pension benefits for survivors from 55 percent to 60 percent thereby enhancing payments to the non-member spouse, the majority of whom are women. The Government has also implemented the ability to split pension credits on marriage breakdown, thereby allowing immediate lump sum payments to registered retirement savings plans rather than having to wait until actual pension payments have begun.

Article 11(2)

205. Highlights of strategies to assist workers to integrate work and family responsibilities include (a) the development of guidelines to ensure that work and family responsibilities are considered in the development of any new or changing policies within government (1990); (b) the publication of *When Work and Family Collide: A Help Book for Employers* relating to work and family responsibilities (1990-91); (c) the publication of *Women and Men in the Workplace: A Discussion of Workplace Supports for Workers with Family Responsibilities* (1993).

206. Since the time of the last report, the legislated minimum level of benefits pursuant to the *Labour Standards Act*, R.S.N. 1990, c. L-2, to which a worker is entitled have been enhanced. For most employees, the contract of service or collective agreement will provide more favourable terms or conditions than the legislated minimum. A contract of service that confers rights or benefits less favourable than the legislated minimum benefits is void and of no effect and the legislated minimum benefits will apply to that worker.

207. The *Labour Standards Act*, section 41, provides for pregnancy leave for a period of 17 weeks for an employee who has been employed with the same employer for a period of 20 consecutive weeks. Section 43 allows for an adoption leave for a period of 17 weeks following the coming of a child into the care and custody of a parent for the first time. Pursuant to section 43.3, an employee who is the parent of a child is entitled to 12 weeks of leave without pay following the birth of a child or the coming of the child into the care and custody of the parent for the first time. Employees on pregnancy, adoption or parental leave would be entitled to apply for unemployment insurance benefits during their unpaid leave.

208. For the workers not entitled under their contract of service to paid bereavement leave and sick leave, the *Labour Standards Act*, section 43(10), provides to an employee, after 30 days of employment, three days bereavement leave, one day with pay, two without. Also, after 6 months of employment an employee is entitled to 5 days unpaid sick leave per year.

Female representation in decision-making roles							
Municipalities[1]		Legislature		Judiciary[2] Supreme Court		Government	
Mayors	Councillors	Federal	Provincial	Appeal	Trial	D.M.	ADM
13%	23%	35%	6%	11.1%	4.3%	16.7%	13.3%

1. Source: Department of Provincial and Municipal Affairs
2. Source: Office of the Commissioner for Federal Judicial Affairs

School board membership[1] by sex, as of January 31, 1993																
SD[3]	In accordance with election regulations										By appointment					
	Contested Election			Election by Acclamation			Appointed in lieu of election			Total	Other than in lieu of election[2]			Number of seats filled		
	M	F	T	M	F	T	M	F	T		M	F	T	M	F	T
Int.[4]	38	16	54	55	22	77	42	19	61	192	54	8	62	189	65	254
RC[5]	23	9	32	18	7	25	18	7	25	82	48	19	67	107	42	149
PA[6]	7	0	7	3	0	3	2	0	2	12	3	0	3	15	0	15
SDA[7]	0	0	0	0	1	1	2	0	2	3	2	3	5	4	4	8
Total	68	25	93	76	30	106	64	26	90	289	107	30	137	315	111	426

1. School board membership is in accordance with *The School Board Election Regulations, 1985*
2. Appointments by churches and school boards
3. School district
4. Integrated schools
5. Roman Catholic schools
6. Pentecostal Assemblies schools
7. Seventh-Day Adventists schools

2. PRINCE EDWARD ISLAND

Legal and other measures adopted since the third report

209. In 1992, the Prince Edward Island Government passed the *Employment Standards Act*. This Act contains several provisions which address discrimination against women. The Act contains provisions for maternity leave up to 20 weeks, followed by a requirement for reinstatement upon expiration of the leave in the same or a similar position. It is also required that there be no loss of seniority or pension benefits as a result of maternity leave. Similar provisions apply to parental leave.

210. The *Employment Standards Act* requires employers to provide an employment environment free of sexual harassment. All employers must establish a policy with regards to sexual harassment in the workplace and to ensure that all employees within the workplace are aware of that policy. The Act specifies certain elements which must be contained in the sexual harassment policy.

211. In the third report of Canada, this province reported the passage of the *Pay Equity Act* in 1988. At that time, the differential between wages paid for male and female full-time employees of Prince Edward Island was the lowest of any province in Canada, with women making 70.3 percent of the wage of men. The steps required to implement pay equity in the public sector under the *Pay Equity Act* have been completed, although there are a number of wage adjustments still to be made over the next few years. Wages for full-time employed women now stand at 80.8 percent of that of males in Prince Edward Island and this increase is likely largely attributable to the pay equity process.

Actual progress made to promote and ensure the elimination of discrimination against women

212. Prince Edward Island elected the first women Premier in Canada in 1993. The Premier is joined in the Legislature by a female Leader of the Opposition and has selected women as Speaker of the Legislature and Deputy Speaker. In addition, the Queen's Representative in this province, the Lieutenant Governor, during the period of this report, has been a woman. This is indicative of increased public participation by women in the affairs of this province and particularly at the very highest levels in our political structure.

213. Prince Edward Island has traditionally included in this report the participation rates for women in various positions in public life and what follows is an update of that table.

WOMEN IN VARIOUS POSITIONS IN PUBLIC LIFE ON P.E.I. — 1994			
	Total number of positions	**Total number of women in positions**	**Percentage of total**
Member of Legislature	32	8	25%
Provincial Cabinet Minister	9	1	11.1%
Provincial Deputy Minister	9	2	22.2%
Mayor/Chairperson of Municipal Council	89	13	14.6%
Member of Municipal Council (other than Chairperson)	479	107	22.3%
Chairperson of School Board	5	3	60.0%
Member of School Board (other than Chairperson)	67	22	32.8%
Supreme Court Justices*	8	1	12.5%
Provincial Court Judges*	3	0	0%
TOTAL	**701**	**157**	**22.4%**

* In this report, we are adding the last two categories, although persons are appointed to these positions, rather than elected.

Remaining obstacles

214. As has been previously reported, therapeutic abortions are not available at any health facility in Prince Edward Island. Although available to women with the costs covered by the Province of Prince Edward Island, such services must be obtained in another province.

3. NOVA SCOTIA

Article 2

215. The Nova Scotia *Human Rights Act*, R.S.N.S. 1989, c. 214, is the principal anti-discrimination law providing recourse for women who allege sex-based discrimination. The *Human Rights Act* underwent major revisions in 1991 which had the effect of providing additional protection to children and their families. Family status, defined as "being in a parent/child relationship" was added as a new characteristic under which discrimination was prohibited and the protection from discrimination on the basis of marital status was expanded to apply to all facets of public life. Pregnancy-based complaints are considered to be complaints of discrimination based on sex. The Act also prohibits sexual harassment and discrimination based upon an irrational fear of contracting an illness.

216. In 1993, 40 percent of complaints lodged under the Act were complaints of sex discrimination (which includes gender, sexual harassment and pregnancy-based complaints). This was an increase from 1985 (23 percent) and 1990 (35.5 percent). In addition, the majority of complaints lodged on the basis on marital status and family status were lodged by women.

217. Most complaints continue to be resolved through a conciliation process with settlements ranging from financial compensation, restoration of the job for which the person was terminated, redesigned hiring policies and practices to the development and delivery of anti-harassment policies and human rights awareness sessions.

218. Since 1990, 12 of the 30 complaints referred to a board of inquiry were complaints of sex discrimination.

Article 3

219. The Nova Scotia Advisory Council on the Status of Women was established in 1977 to monitor women's issues and to serve as a direct link between the minister responsible for the status of women and Nova Scotia women. The Advisory Council on the Status of Women, in partnership with the Dalhousie School of Public Administration and the New Brunswick Advisory Council on the Status of Women, has developed a Women and the Economy Project. The goals of the project are to improve the economic situation of women, to increase participation of women in economic initiatives and decision/policy making at the local level and, to create a knowledge base for women to bring their experiences and perspectives to economic activities.

220. The Advisory Council on the Status of Women has four fieldworkers available across the province to work with individual women and women's groups in an endeavour to improve the status of women both in urban and rural areas of the province.

221. The Nova Scotia Women's Directorate was established in 1989 to act as a resource to government on women's issues to ensure that they are taken into account in policy and program formulation.

222. The Nova Scotia Interdepartmental Committee on Women's Issues (CWI) was established in 1976 and is now an integral component of the Women's Directorate. The Committee's work is focused on improving the condition of women in the civil service. The Committee also provides advice to government on matters including, sexual harassment, workplace safety, affirmative action, pay equity, and bridging programs. Representatives from government departments are appointed to the CWI by their deputy minister.

223. The *Pay Equity Act*, R.S.N.S. 1989, c. 337, became law in 1988. All groups covered by the Act, except municipalities, have completed the pay equity process. Although civil service wage restraints are in place, the pay equity process has continued to be implemented as planned.

Article 4

224. The provincial government and the Nova Scotia Government Employees Union are working to improve affirmative action in the civil service. Building on a program which has been in place since 1978, the new policy focuses on the identification and removal of barriers to hiring and advancement and on organizational change. The workforce analysis survey, undertaken in 1993, will provide a baseline measure of the number of employees from targeted groups currently in the civil service. Departments and government agencies will use this data in formulating goals, timetables and action plans.

225. A policy was adopted in April 1993 to promote the hiring of affirmative action candidates in casual positions to permit them to gain experience and enhance their opportunities for permanent employment.

Article 5

226. The *Guidelines for Contemporary Communications* were released in 1992 by the government. They complement the government's policy that requires the fair portrayal of women and other equity groups in all of its written, oral and visual communications.

227. The government has, with the assistance of its departments, produced information brochures/documents such as *Take Affirmative Action*, *Dating Violence*, *What is Racial Harassment*, and *What is Sexual Harassment*.

228. The Race Relations Division of the Human Rights Commission is responsible for fostering good relations between races and cultures, and for developing policies and programs to promote racial harmony and eliminate barriers to full participation in society.

229. The Department of Education established an office for race relations and cross-cultural understanding in 1992 with consultants for multiculturalism, race relations, and Mi'kmaq education.

230. The provincial government's Race Relations and Employment Equity Task Force is training all civil servants.

Article 6

231. The Working Group on Youth Exploited for the Sex Trade, established in October 1992, released its report in January 1993. The Province acted immediately on one of its recommendations by establishing the Department of Community Services as the lead department with respect to implementation of the recommendations. The Minister of Community Services confirmed his commitment to addressing the problems related to juvenile prostitution, including preventive education programs for parents, students and teachers to deal with child sexual abuse.

Article 7

232. Representation of women in political life has seen some positive changes in some areas while other areas have remained basically unchanged. In the provincial legislature, the proportion of women increased from 5.7 percent in 1990 to 9.6 percent in 1994. There are two women out of a total of 17 ministers compared to none in 1990. Representation of female deputy ministers is now at 15 percent with a total of three women out of a total of the 20. With school board officials becoming fully elected by the population, and not partially appointed by government, women now make up 51 percent of school board members compared to 37.8 percent in 1990. Representation on municipal council has basically remained unchanged at 15.6 percent in 1994 and 15.5 percent in 1991. In the judiciary, there were four federally-appointed women judges on a total of 34 in 1994 compared to three out of 32 in 1990 and six provincially-appointed judges on a total of 44 in 1994 compared to four out of 45 in 1990.

Article 10

233. The Nova Scotia Teachers' Union (NSTU) has developed a project that will build on the findings of the Canadian Teacher's Federation's report *A Cappella*. That report looked at how over 1000 teenage girls in Canada view themselves and the world they live in. The Women in Education Committee of the NSTU hopes to organize a conference in 1994 to encourage dialogue between female and male students, teachers, and administrators on issues such as the impact of schools on the development of self-esteem in women, how schools can bolster adolescent and women's self-esteem, confronting sexism and gender inequities and sample programs that enhance self-esteem.

234. Nova Scotia community colleges include pre-technology courses for women. There is a slight increase in the number of women entering apprenticeship programs in male-dominated fields. Seats in non-traditional areas of study such as electrical construction are being

reserved for women. In 1985, there were 1274 men and 1643 women enrolled in full-time programs in Nova Scotia community colleges. Seventy-two percent of the men were enrolled in engineering, applied science, natural science and primary industries while only four percent of the women were enrolled in these courses. In 1991, 63 percent of the 1027 men and 12 percent of the 1571 women were enrolled in these courses. Women were largely enrolled in health sciences, humanities and social services.

235. In 1992, the Women's Directorate produced and distributed *Expanding Choices – Math and Science Programs for Girls and Women*, a national inventory of science and math programs for girls and young women.

236. New public school courses have been developed in family studies and industrial arts technology and teachers are breaking down barriers to these programs which were traditionally viewed as appropriate for one gender only.

237. The Family Life/Family Studies program, taught in a co-educational setting, continues to be provided to students between the ages of 12-15. It has five components: Self, Feeling, Relationships, Career Planning and Human Growth and Development. It includes specific sections on stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and lifestyle exploration and family conflict.

238. A new course "Career and Life Management" is currently being piloted in schools. The course will be compulsory for all high school students between the ages of 16 and 18 in 1996.

239. The *Discipline Handbook for Nova Scotia Schools* was released by the Department of Education in December 1993. Written policies on discipline for school boards, schools and classrooms must be developed and implemented. Several school boards are using this handbook as a guide to assist in developing policies on sexual harassment and other forms of sexist and discriminatory behaviour.

240. The Department of Education is developing a handbook on programming for the gifted. Attention will focus on identifying minority and underrepresented groups within the gifted population and on meeting their needs.

241. The Maritime Provinces Education Foundation has completed a project in human rights for elementary teachers and classes. It includes an annotated bibliography, a teachers' manual, a video, and an in-service package for teachers.

242. The Department of Education has a fulltime Mi'kmaq education consultant to improve curriculum and related services.

Article 11

243. In 1986, women comprised 42 percent of the provincial labour force, a percentage which increased to 45.4 percent in 1992.

244. The provincial government's sexual harassment policy and procedures came into effect in January 1994. The purpose of the policy is to create a working environment free of sexual harassment. An education program has been developed and by April 1994, 75 facilitators, 15 advisors and 12 investigators had received training, with 10,000 civil servants to follow by fall 1994.

245. Under the Nova Scotia *Labour Standards Code*, R.S.N.S. 1989, c. 246, women are entitled to 34 weeks of combined maternity and parental leave. New parental leave provisions also allow parents to take up to 17 weeks of unpaid leave of absence to care for their newborn or newly adopted child. If eligible, women may receive unemployment insurance benefits while on leave.

246. As of December 1989, female provincial civil servants who are eligible to receive maternity benefits under the federal *Unemployment Insurance Act* are now paid a supplementary allowance through the Supplementary Unemployment Benefits Plan while on maternity leave.

247. Since 1985, women have comprised over 40 percent of the graduating class of the law school in the province and comprise over 40 percent of all admittees to the Nova Scotia Bar. At present, women represent 23 percent of all practising insured members in Nova Scotia.

248. In 1980, there were 253 licensed day care centres in the province. In 1985, the number increased to 324 and in 1993 there were 374 licensed day care centres. The total budget for day care in 1992-93 was $11.8 million. There are presently 10,668 licensed day care spaces in Nova Scotia, with 2,142 of them subsidized.

Article 12

249. The Maternal and Child Health Care Program is the primary prevention program of the Nova Scotia Department of Health and Fitness. This program includes prenatal education in the homes and in clinics, post-natal and infant home visiting and health assessment and supervision throughout the province of Nova Scotia. Parents of all newborn children receive a pamphlet on proper nutrition care for young babies.

250. A new prenatal health promotion program was announced by the Department of Health in April 1993. The program includes eight modules which examine different perspectives of child rearing. Opportunities exist for parents to explore issues of gender socialization.

251. The Task Force on Nursing was appointed in 1990 to develop strategies and recommend action in the areas of human resource planning, nursing education, professional work-life issues, and the innovative use of nurses in the health care system. Its report and recommendations were released in July 1993.

252. A collaborative baccalaureate nursing program between the provincial capital nursing schools will open in 1995. The move was made in recognition that health care reform will

accelerate the need for registered nurses with more in-depth knowledge and clinical expertise in health promotion, disease prevention, and community-based care.

253. During the period 1983-1993, 12 women have been diagnosed with AIDS. Of these, 9 have died. From 1990 to 1993, the number of women who have been diagnosed as being HIV+ is 14.

254. The Nova Scotia Women and AIDS Project, sponsored by the Nova Scotia Persons with AIDS Coalition, undertook a twelve-month project to assess the needs of women who were concerned about the impact of HIV/AIDS on their lives and on those around them. The report was published in April 1994 and focused on identifying and documenting the needs of HIV positive women and women living with HIV/AIDS or who are caregivers of HIV+ persons and persons with AIDS. It identified the need for information and education about HIV/AIDS for women in Nova Scotia and also focused on identifying and bringing attention to the issues that face women infected and affected by HIV/AIDS and ensuring that all possible resources in the community are utilized to remove the existing barriers to prevention, diagnosis and treatment for women.

Article 16

255. The *Children and Family Services Act*, 1990, c. 5, which came into force in September 1991, replaced the existing *Children's Services Act*. The new legislation provides clearer rules and states unambiguously that wherever possible family units are to remain together, assisted by a wide range of supports. It provides in several of its sections, a requirement that the best interest of the child be considered in decisions affecting children. Some of the following circumstances are listed in the Act as relevant to the best interest of the child: importance for the child's development of a positive relationship with a parent and a secure place as a member of a family; the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity; the bonding that exists between the child and the child's parent; the child's physical, mental and emotional level of development; the child's cultural, racial, religious and linguistic background; the child's views and wishes if they can be reasonably ascertained and the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.

256. The *Children and Family Services Act*, in situations where a child of Aboriginal origin is the subject of a proceeding with respect to protective intervention, allows for the Mi'kmaq Family and Children's Services of Nova Scotia, at any stage of the proceeding, to be substituted as a party for the agency that commenced the hearing. The Mi'kmaq Family and Children's Services has been established with full legislative authorities.

257. Through the Department of Community Services, many initiatives are in place to increase the independence of family benefits recipients. The Transition to Employment Program, an initiative to help job-ready parents on family benefits find jobs, opened an office in Halifax in July 1993. The office provides job search counselling and assistance such as

resume writing and employment leads. A $1.9 million employment package announced in August 1993 will provide 300 jobs to job-ready social assistance recipients.

258. The Department of Community Services provides $200/month to offset the additional costs to single parents while on vocational training. Course tuition in special circumstances, approved transportation costs, approved child care expenses, special needs and/or a job search allowance may be covered. Recipients in transition to full-time employment are entitled to have the gross wages earned during the first four weeks of employment exempted at 100 percent for family benefits purposes. The first four weeks of vocational training allowance earned are also exempted.

259. The *Family Benefits Act*, R.S. 1989, c. 158, has as its purpose the provision of assistance to persons or families in need where the cause of the need has become or is likely to be of a prolonged nature. Approximately 51 percent of the recipients of this assistance are adults with disabilities which will prevent them from being employed for at least one year and less than 1 percent are senior citizens. Single parents make up 42 percent of the recipients, parents with disabilities make up 6 percent and 1 percent are foster parents. In the fall of 1992, there were 12,279 female single parents and 279 single male recipients of family benefits (approximately 26,000 children). All applicants except foster parents must qualify on the basis of need – that is they must have insufficient income for their basic needs, based on figures set by the N.S. Department of Community Services. Family benefits is assistance of a last resort, that is, applicants must demonstrate that they are not eligible for any other form of support such as from a spouse, unemployment insurance, etc. Provincial family benefits cheques to single mothers increased by one percent in January 1994.

260. People who do not fall in one of the categories for family benefits can apply for municipal social assistance which assists people whose need is of a shorter term. The rates established for municipal assistance are lower than family benefits and vary from one municipality to the other.

261. The *Family Maintenance Act*, R.S.N.S. 1989, c. 160, provides for the payment of maintenance for dependent children and spouses where there is reasonable need for the assistance.

262. The Family Maintenance Income Support Program (1991) allows single parents on family benefits who receive irregular maintenance payments to assign the payments to the Province and receive the full amount of their benefits.

263. The *Family Orders Information Release Act*, R.S.N.S. 1989, c. 161, provides for the enforcement of court orders respecting children and support obligations by providing for the release of information which may assist in locating children, defaulting spouses or other persons.

264. The *Maintenance Orders Enforcement Act*, R.S.N.S. 1989, c. 268, provides for the reciprocal enforcement of maintenance where the respondent is not complying with an order of the court to provide maintenance for a child.

265. The Victims' Services Division of the Department of Justice was established in 1989 to provide services to victims of sexual assault, child abuse and domestic violence, with a particular focus on women. There are five Victims' Services offices across the province serving both urban and rural Nova Scotians. The "Victim Services Program Funding" provides funding to community based organizations to benefit victims of family violence, sexual assault, and child abuse. The program has been in place for three years, with 36 projects totalling over $1.2 million being funded. The Fund is financed through a surcharge of fines for prosecutions under the *Criminal Code* and other provincial statutes. The *Victims' Rights and Services Act*, S.N.S. 1989, c. 14, as amended S.N.S 1992, c. 36, now incorporates the *Compensation for Victims of Crime Act*, R.S.N.S. 1989, c. 83, which was repealed in 1989. Regulations made under this Act in 1994 provide for compensation for services such as counselling, loss of income, moving expenses and costs for maintenance of a child.

266. The Victim's Services Division also operates a Child Victim Support three year pilot program to prepare child victims of crime for the experience of appearing and testifying in court. The purpose is to allow children to learn about and understand the process of a trial and her or his role in the proceedings. Experts will be trained in communities across the province and will be available to child victims and their parents.

267. Amendments to the *Limitations of Actions Act*, R.S.N.S. 1989, c. 258, in September 1993, extend the time limit for victims of sexual abuse to start civil legal action.

268. The Women's Directorate, in collaboration with the Department of Education, distributed over 20,000 copies of a brochure on dating violence to schools, universities, and community colleges in Nova Scotia.

269. The Senior Crown Attorney for Sexual Assault Prosecutions was appointed in July 1992 to prosecute cases, advise and train Crown attorneys and police officers, to draft policies, and to compile and disseminate information to Crown attorneys, victims, and the public.

270. The Department of Justice established an interdepartmental committee in September 1993 to respond to the report of the federal/provincial/territorial working group on gender equality in the Canadian justice system. The committee published a summary of Nova Scotia's efforts in this area in February 1994.

271. Judicial education initiatives include courses on gender equality, racial and cultural diversity, sentencing disparity, issues of family violence, spousal assault, child abuse, and issues of credibility in sexual assault cases. The training initiatives for police include gender sensitivity, workshops for elder abuse, and investigating family violence incidents. Education sessions for public prosecutors include child abuse and techniques for effective communications with victims of abuse. Training for public prosecutors includes child abuse, dynamics of child abuse and effective communications with victims.

272. The Family Violence Prevention Initiative (FVPI) was established in January 1992 to ensure an effective and consistent government response to family violence by fostering greater co-operation among government departments and community agencies. Seven government

departments and agencies are responsible for steering the FVPI: Community Services, Education, Housing, Justice, Planning and Priorities, and the Women's Directorate. Departmental committees on family violence formulate and implement annual workplans. Aboriginal, black, and immigrant interest groups are also involved in this initiative. The FVPI has also developed a series of information brochures on women abuse, child abuse, elder abuse, women living with disabilities and abuse, and men and abuse. It issues a newsletter which has a circulation of 25,000.

273. The Initiative has developed a protocol for a co-ordinated response to child physical/sexual abuse, spousal and elder abuse; developed training programs for workers in this field; and has produced a series of brochures to raise public awareness about prevention of family violence. A training strategy has been devised and is being implemented. Leadership training, basic orientation, specialized training for specific occupations, and training to facilitate positive collegial relations and teamwork across agencies and sectors are keystones of the strategy. In training sessions, the FVPI raises awareness by examining perceptions of roles and gender within the context of family violence. Some specific actions which have been taken are: 16 Nova Scotia communities have active interagency committees on family violence, each with representatives from children's services, transitions houses, health services, schools, police, probation, men's treatment groups, and seniors' groups; seven towns are mobilizing themselves for prevention campaigns without special funding from government; community leaders have received briefings encouraging and showing them how to take action against family violence in their community; community professionals (teachers, nurses, police officers, drug dependency workers, clergy, early childhood educators, correctional staff) have received basic training on family violence, with particular attention to the development of constructive attitudes and motivation to take an active role in prevention and remedial action.

274. A kit is available for doctors who perform sexual assault examinations. It was released late February 1994. It includes forms, sample containers, a training video, information on sexual assault laws and adult protection services, relevant sections of the *Children and Family Services Act*, information on who to report suspected cases of abuse and neglect, and sample medical forms. Kits will be distributed to Nova Scotia's 50 hospitals.

275. The Purple Ribbon Campaign is sponsored by the Women's Action Coalition of Nova Scotia. By wearing a purple ribbon, Nova Scotians are recognizing the reality of violence against women and remembering those women who have died violently or are living with abuse.

276. There are nine transition houses in Nova Scotia and seven Women's Centres providing service to rural and urban communities in the province. These centres offer support, referral for counselling, and print resources on a wide variety of issues. The Department of Community Services also provides funding for five treatment programs for abusive men.

277. The Nova Scotia Department of Justice provides funding to the Public Legal Education Society of Nova Scotia. Many of its core programs (Legal Information Line, Lawyer Referral

Service) and special projects (brochures, workshops, video on wife battering, gender sensitivity training) are designed to enhance women's access to the justice system.

278. A Spousal Homicide Study will determine the nature of services and support provided by justice, health and social welfare agencies to families at risk, identify risk factors associated with escalating spousal violence and recommend improvement in agency response and development of new programs/services for victims of abuse. The study is looking at 17 spousal homicide cases in Nova Scotia which occurred between 1986 and 1992.

279. In March 1991, a Tripartite Forum was set up with representatives from the federal and provincial governments and the Aboriginal community. Among the projects funded by the Forum is the Native Courtworker Program. The Community Legal Issues Facilitator's Project (November 1992) functions as a liaison between the justice system and the Aboriginal community. The Province will ensure the terms of reference for evaluating these projects include a look at the Province's efficacy in meeting the needs of Aboriginal women.

280. The Disabled Persons' Commission was created in 1989 to advise government on policies and programs for people with disabilities and to make all Nova Scotians aware of government programs serving persons with disabilities. In conjunction with the United Nations Decade for the Disabled (1983-1992), a task force was set up in July 1992 to study the economic integration of women with disabilities in Nova Scotia. The task force report, released in May 1993, included 27 recommendations on raising public awareness about women with disabilities, education and training, employment, income support, and day care. Members will continue to work on implementing the report's recommendations.

281. The Solicitor General's Special Committee on Provincially Incarcerated Women released its report in July 1992. It calls for the closure of the women's unit of the Halifax Correctional Centre in 1995.

282. Efforts are underway to implement a Unified Family Court. The objective is to eliminate many layers of courts and conflicting or concurrent jurisdiction, particularly over family matters. The philosophy of the Unified Family Court will be to provide a remedial and therapeutic model of adjudication, where procedures and processes are understandable, results are durable and where, as much as possible, uncertainty and inconvenience are eliminated. Plain language rules and procedures will be developed.

283. The *Solemnization of Marriage Act*, R.S.N.S. 1989, c. 436, now recognizes 19 as the marriageable age. A person under 19 but over the age of 16 may marry with parental consent. Marriages under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage. The law applies equally to men and women.

	Women/Total		
	1985	**1990**	**1994**
Number of women in the provincial judiciary			
Federal appointments			
Appeal Division	0/10	0/10	1/9
Trial Division	1/11	2/14	3/25
County Court	0/10	1/10	(combined with Trial)
Provincial appointments	1/25	2/28	3/26
Family Court	2/13	2/17	3/18
Number of women in legislature	3	3	5/52
Number of female cabinet ministers	1/22	0/21	2/17
Number of women on municipal councils	89/610	96/620	95/609
Number of women on school boards	114/291	37.8%	104/205
Number of female deputy ministers	1	3/23	3/20

4. NEW BRUNSWICK

Introduction

284. This report covers the period of January 1, 1991 to March 31, 1994.

285. The government of New Brunswick is committed to the improvement of opportunities for women through the development of policies and strategies which advance women's participation in society.

Articles 2 and 3

286. The New Brunswick *Human Rights Act* prohibits discrimination on the basis of sex and marital status, among other things. It also prohibits sexual harassment. In May 1992, the definition of sex was expanded to include pregnancy as a prohibited ground of discrimination. Complaints on the basis of sex, sexual harassment, pregnancy and marital status, received by the New Brunswick Human Rights Commission, comprise 43 percent of the total case load. The largest portion of this number is in the category of sex discrimination in employment.

287. The Department of Education continued initiatives begun in 1989 with the Ministerial Statement on Multicultural/Human Rights Education, to ensure a discrimination-free environment for all students and personnel within the education system.

288. In 1993, the Women's Directorate ceased to exist as a separate department. Nonetheless, important initiatives aimed at improving the social and economic condition of women in New Brunswick continue. The New Brunswick departments of Health and Community Services, Justice, Finance, Advanced Education and Labour have taken on program and policy initiatives formerly under the Women's Directorate's mandate. Employment Equity, the Mentorship Program for Female Students, harassment in the workplace and flex hours are a few of the responsibilities and issues that are ongoing. There is a Minister responsible for the Status of Women in New Brunswick and a Minister responsible for Employment Equity. The former Deputy Minister of the Women's Directorate is the first female Ombudsman of the Province of New Brunswick.

289. The New Brunswick Advisory Council on the Status of Women continues to advise government on matters pertaining to the status of women in New Brunswick.

Article 4

290. As an employer, the New Brunswick government actively supports employment equity initiatives which work towards social, economic and political equality for women in the New Brunswick public sector.

291. The employment equity program for women has been in place in Part I of the New Brunswick Public Service since 1985. Part I of the Public Service includes government departments.

292. Departments and agencies in Part I of the public service have completed two three-year cycles of employment equity action plans and began their third cycle in April 1993.

293. In preparation of the extension of the employment equity program to Part II of the Public Service, the Department of Education, in co-operation with the Department of Finance, has developed an employment equity policy as well as implementation and communication strategies. Part II of the Public Service includes schools and school boards.

294. In March 1993, the Minister of Education released a policy statement on employment equity.

Article 5

295. The New Brunswick Department of Education has reviewed curriculum material to ensure that it is stereotype-free and portrays women in a positive light. In this regard, *A Checklist for Detecting Bias and Stereotyping in Instructional Materials* was developed.

296. The Department of Education, in conjunction with the Women's Directorate, developed posters and brochures encouraging female students to pursue non-traditional careers in the fields of mathematics and science.

297. The New Brunswick Human Rights Commission has developed a resource guide called *Rights and Responsibilities: the 4th and 5th R's of Education.* The guide, designed for use by educators, community groups and others, contains lesson plans in the areas of stereotyping, prejudice, and discrimination.

298. The Human Rights Commission has developed an audio-visual Foundations for Fairness series in French and English which contains the videos What is Prejudice?, A Parable in Black and White and a public service announcement Masks, as well as a study guide. Aimed at a wide audience, the videos deal with stereotyping, prejudice and discrimination.

299. The Department of Health and Community Services developed an award-winning film entitled When the Bough Breaks, which addresses the issue of family violence.

300. A Native Women's Transition House has been established in Fredericton, to provide shelter and counselling to on and off-reserve Native women in crisis. The transition house is cost-shared by the federal Department of Indian and Northern Affairs and the New Brunswick Department of Health and Community Services.

301. The New Brunswick Interdepartmental Committee on Family Violence continues to monitor, recommend and co-ordinate government initiatives related to all forms of family violence. The Committee was established in 1987 in order to facilitate co-operation and understanding between government departments and agencies which deal with family violence.

302. The Interdepartmental Committee on Family Violence has developed a multi-year multi-disciplinary training strategy and curriculum to be completed by 1996. The training will be delivered in three phases. Phase I will address Child Abuse, Phase II Women Abuse, and Phase III Abuse of Vulnerable Adults.

303. The Court of Queen's Bench, Family Division, has several support services which are provided to separating or divorcing spouses and single parents. These services include information and screening services, counselling, mediation services, legal representation, and support order enforcement services.

304. The Domestic Legal Aid program was introduced in May of 1993. Working together, court social workers and family solicitors in the eight judicial districts are able to represent the interests of victims of spousal abuse. Court social workers, after screening and assessment, refer victims of spousal abuse to the family solicitor who is hired on contract to represent their interests and provide legal representation to the court for any needed relief sought by the clients in the areas of support, custody, access and division of property.

305. The Department of Justice initiated a one-year pilot project titled the Trauma Counselling Project in October 1993. The goal of the project is to help abused and traumatized women and children effectively deal with the criminal court process.

306. A steering committee on Public Awareness of Family Violence through Community Partnerships is comprised of community and government representatives. The intent of this project is to educate the public regarding the definition of family violence, the criminality of this type of abuse, its sources and causes, and its effects and impacts on society. The project also aims to establish collaborative partnerships with government, non-government groups and corporations to foster a comprehensive approach towards the elimination of family violence.

307. New Brunswick was chosen as the national pilot test site for the development of criminal justice family violence statistics. The project is currently on-going with the New Brunswick Department of the Solicitor General and consists of gathering and analyzing statistics on woman abuse.

308. In its commitment to address the various components of family violence, the New Brunswick government established working groups to develop protocols to help identify and promote effective intervention. The child abuse protocols were established in 1987 and the woman abuse protocols in 1990. Woman abuse protocols were reviewed and redistributed in 1993.

309. The Muriel McQueen Fergusson Foundation Inc. is a charitable trust, established in 1985. The goals of the Foundation are to fund research into the causes, incidence and forms of treatment of family violence and to promote and sponsor effective public education programmes. In 1987, the Foundation created the Muriel McQueen Fergusson Centre for Family Violence Research at the University of New Brunswick, in co-operation with that university. The Centre is dedicated to the study of family violence and to undertake initiatives which will contribute to the elimination of family violence in society. In mid 1991, a $2.5 million fund raising campaign was undertaken by the Foundation.

Article 7(b)

310. The number of women members of the Legislative Assembly (MLAs) of New Brunswick has continued to rise over the years from a low of one in 1967 to a total of 10 women MLAs in 1993 out of 58.

311. In 1994, four New Brunswick female MLAs are represented at the cabinet level.

312. New Brunswick's first woman Speaker of the House was appointed in October 1991.

313. In 1993, four out of nineteen deputy ministers were women.

Article 8

314. Women represent the Province of New Brunswick at international levels and participate in the work of international organizations.

Article 10

315. During the period of this report, full-time female enrolment percentages at all four university levels increased as did percentages of those who obtained degrees. The four levels are bachelors, 1st Professional, Masters, and PhD.

316. New Brunswick Student Aid offers the Women's Doctoral Scholarship Program. Ten scholarships a year at $5000 each are offered.

317. The Gender Equity in Education Award offered by the Department of Education recognizes, on an annual basis, individuals who have made a significant contribution towards the achievement of gender equity in the public school system.

318. The Innovation and Development Team of the Department of Education is a new branch formed to help develop innovative initiatives in education. Women's issues is one of the priority areas, and innovative programs for female students, teachers, and educational staff will be initiated.

319. In October 1993, the Department of Education sponsored a conference called "Young and Female: Challenging the Status Quo". The conference focused on exposing young women to non-traditional careers and facilitated discussions on obstacles that have kept women from pursuing these professions.

320. The Promotion of Higher Achievement for Female Students in Science and Technology, sponsored by the Department of Education, held two seminars and in addition, sponsored two summer science institutes in 1992 and 1993. Thirty-six students and six teachers worked with thirty-six female scientists for four days.

321. The Interdepartmental Committee on Family Violence held numerous workshops in school districts on Women Abuse Protocols and in high schools on Dating Violence.

322. Staff development projects for female teachers are designed to encourage and assist female teachers to take courses leading to the attainment of the principal's certificate. Upon completion, a bursary is allocated to cover tuition costs.

Article 11

323. In 1991, women over the age of 15 comprised approximately 54.4 percent of New Brunswick's total labour force.

324. A Day Care Assistance Program is offered by the Department of Human Resources Development – New Brunswick. It is designed to provide assistance with the cost of day care services, purchased from licensed day care facilities, to families who meet the eligibility requirements.

325. In December 1993, the Department of Income Assistance (now the Department of Human Resources Development) publicly released a discussion paper entitled *Creating New Options*. The document suggested that significant reforms were needed with respect to the provincial social assistance policy and employment related services for unemployed New Brunswickers. A ministerial committee was established to oversee a three month consultation process throughout the province. A public consultative report was released in mid-1994 which outlines key themes and summarizes participants feedback.

326. In May 1992, the New Brunswick and federal governments launched a joint initiative called "NB Works". This six year national demonstration project provides a continuum of counselling, education, training, and work experience services to income assistance recipients. The project is designed to enable participants to obtain sufficient educational, employment and life skills to strive towards self-sufficiency. NB Works consists of a $177 million federal/provincial commitment to the project's implementation and goals, with the potential to impact future social policy and programming models in Canada. The government partners are the federal Department of Human Resources Development and the provincial departments of Human Resources Development and Advanced Education and Labour. The overwhelming majority of participants in the NB Works program are women, who represent over 80 percent of the total number of participants to date.

327. The *Pension Benefits Act* introduced a series of pension reforms which will enhance income security during retirement. The Act provides statutory eligibility rights for part-time workers, enhanced portability rights, and five year vesting. These provisions will assist in preserving pension membership for women who may have interrupted working patterns as a result of child care responsibilities. New requirements for the provisions of pre-retirement and post-retirement survivor benefits will also facilitate more employment pension benefits being delivered to spouse and beneficiaries, many of whom are women.

Article 12

328. The Department of Health and Community Services offers a reproductive health clinic program which provides counselling, clinical and outreach educational services. It is implemented in all seven regions of New Brunswick.

329. The Mental Health Commission's intervention services for victims of family violence has thirteen treatment groups throughout the province. These groups include adult female survivors victimized by childhood sexual abuse by someone in a position of trust.

330. In March 1991, The Department of Health and Community Services established the New Brunswick Breast Cancer Screening Committee and charged it with a mandate to explore the feasibility of establishing a provincial breast cancer screening program. It is anticipated that organized breast cancer screening services will be operational by January 1995.

Article 13

331. The By-law of the *New Brunswick Arts Board Act* came into effect in June 1991. The by-laws state that Juries for Artistic Merit must reflect a balance of the seven artistic disciplines as well as gender, language and region. The New Brunswick Arts Board is a branch of the New Brunswick Department of Municipalities, Culture and Housing.

332. The Sports Branch of the Department of Municipalities, Culture and Housing promotes national programs which encourage women to participate in sport activities. In particular, the Province supports the program of the Canadian Coaching Association which assists women coaches to further develop their skills.

333. In 1994, the Province adopted a sports and recreation policy which ensures equal opportunities for all persons.

Article 14

334. The New Brunswick Farm Women's Association receives funding from the New Brunswick Department of Agriculture. This Association lobbies for women and families living on farms in New Brunswick. The New Brunswick Women's Institute also receives funding from the Department of Agriculture. The Institute is a provincial organization which works to improve the quality of rural women's lives.

335. The Department of Agriculture has a farm management program. A national survey has found that in excess of 60 percent of New Brunswick farm women have taken business management courses.

336. The Department of Economic Development and Tourism has an ongoing entrepreneur program called Self-Start. One of the main target groups is women. In 1993, total approvals numbered 897, with 367 for females.

Article 15

337. The Saint John Regional Correctional Centre offers various ongoing female offender programs and workshops on such topics as parenting, self-esteem, anger management, assertiveness, self-awareness, community awareness and effective interpersonal communication.

338. Two half-way housing facilities are available for female offenders: Euphrasia House and the John Howard Society.

Article 16

339. The Department of Human Resources Development of New Brunswick will significantly increase activity in the enforcement of family support orders.

340. The *Change of Name Act* was amended. The consent of a spouse is no longer required for the other spouse's application for a change of registered name involving a surname. It is now replaced by a notification requirement only.

5. QUÉBEC

341. In accordance with article 18 of the *Convention on the Elimination of All Forms of Discrimination against Women*, the Government of Québec submits this fourth report which deals with the measures adopted between January 1, 1991 and early 1994 to give effect to the provisions of the Convention. The report deals with the progress made during this period.

342. First of all, it should be noted that on December 18, 1991, the National Assembly of Québec passed the new *Civil Code of Québec*, legislation of general application that deals with various issues covered by the Convention. This new Civil Code, in harmony with the *Charter of Human Rights and Freedoms*, R.S.Q., c. C-12, and the general principles of law, governs persons, relations between persons and property. Its coming into force on January 1, 1994, confirms the family law reforms of 1980 and the 1989 provisions concerning the partition of family patrimony, which enshrine the equality of women.

343. In 1993, the Government of Québec adopted a new policy on the status of women. Convinced that independence is required if the situation of women is to be improved, the Government intends to provide women with active support so that they can control the conditions of their social, personal and occupational lives and play their full role in all fields of activity in Québec society.

344. The Government will take action in four areas, which provide the parties involved with guidelines on those areas of activity that should be given priority. They are as follows: financial independence, respect for physical and psychological integrity, elimination of violence against women, and recognition and development of their collective contribution.

345. The policy as a whole will be implemented over 10 years. The first stage involves 135 commitments by the Government over 3 years (1993 to 1996). Initially, 44 departments and agencies will participate. These commitments are the result of an initiative involving government co-operation and partnership with unions as well as with the parapublic, community and private sectors. *La politique en matière de condition féminine : Un avenir à partager...* [policy on the status of women. A future to share ...] and the accompanying documents have been filed with the report.

346. This policy is another step toward establishing an egalitarian society. Women's independence, just like the recognition of basic rights, is a key value that must provide the basis for the creation of more egalitarian relations between women and men and must allow Québec society to make the principles of justice and equity its own.

Article 1

347. Section 10 of the *Charter of Human Rights and Freedoms* satisfies the requirements of the Convention by prohibiting discrimination based on such criteria as sex, pregnancy and civil status. Section 10.1 prohibits harassment based on the same grounds. This

discrimination against women, whether intentional or not, is prohibited in the following areas, among others: the exercise of fundamental freedoms and rights, the right to equality in the exercise of these rights, the provision of goods or services offered to the public, access to public transportation and public places, employment and the exercise of political, legal, economic and social rights. This prohibition deals with both private and public acts, since the Charter is also binding on the Government of Québec. Moreover, section 48 of the Charter provides that every aged person and every handicapped person has a right to be protected against any form of exploitation.

348. Like other governments, the Government of Québec has taken action to eliminate violence against women in order to ensure their physical safety and enable them to exercise their rights and participate equally in society's activities.

349. Recommendation 19 of the Committee on the Elimination of Discrimination against Women states that violence against women is a form of discrimination that inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Consequently, it recommends that the States parties take steps to ensure that the reports reflect the close link that exists between discrimination against women, gender-based violence, and the violation of human rights and fundamental freedoms.

350. To comply with the Committee's request, and since this subject was not dealt with in previous reports, the Government of Québec feels it is appropriate to provide an account of all the measures taken since the mid-1970s to combat violence against women. Because the subject is so vast in scope, the various actions taken in Québec to combat violence against women are presented in Appendix 1.

Article 2(a)

351. The measures taken to give effect to this paragraph have been alluded to under article 1 and in earlier reports, to which the reader can refer if necessary.

Article 2(b)

352. During the period in question, 612 of the 2,572 complaint cases opened by the Commission des droits de la personne [human rights commission] of Québec dealt exclusively with discrimination against or harassment of women based on sex or pregnancy. The vast majority of these complaints resulted in settlements at the Commission level. The situation with respect to complaints of discrimination or harassment based on sex, pregnancy or civil status (marital status), specifically in the employment sector, that reached the courts is as follows: a dozen actions that have been instituted are awaiting judgment; sixteen judgments have been rendered, most in the complainant's favour; about fifteen cases ended with out-of-court settlements.

Article 2(c)

353. It should be noted that in June 1989, the National Assembly of Québec passed a bill creating a Tribunal des droits de la personne [human rights tribunal]. Since January 1, 1990, this tribunal has had jurisdiction to rule on complaints of discrimination or exploitation. Its decisions are enforceable and it also has jurisdiction over affirmative action programs. It is made up of at least seven members, who are selected for their experience, expertise, sensitivity and pronounced interest in human rights.

Article 2(e) and (f)

354. **Employment equity strategy** – The representation of women in the labour force has more than doubled since the early 1940s, increasing from 21 percent to 44 percent. However, this increase has not resulted in equality between men and women in the labour force. This situation led the Government to take action by focusing on an integrated employment equity strategy concentrating on three areas: education and training, the labour market, and the reconciling of family and employment responsibilities.

355. **Harassment** – In 1993, the Government of Québec adopted a harassment policy covering both sexual harassment and harassment based on any other ground of discrimination set out in section 10 of the *Charter of Human Rights and Freedoms*, including race, colour and religion. All departments and agencies with staff appointed under the *Public Service Act* (R.S.Q., c. F-3.1.1) must enforce this policy.

356. The policy provides for two complementary approaches in preventing and remedying harassment: first, awareness and information, and second, the creation of an internal mechanism for handling complaints from victims.

357. **Wage Parity** – Since 1989, the Government has been promoting wage parity in all public and parapublic sector jobs in order to increase wage equity among employment groups. An assessment of jobs has resulted in 84.3 percent of women being given a wage adjustment. The remedial measures increased the total wage bill by more than $330 million. This government initiative has affected 14 percent of Québec workers.

358. In the public and parapublic sectors, the average wage for women is currently 85 percent of that for men. The 15 percent difference can be explained mainly by the concentration of women in a limited number of the lowest-paid jobs.

Article 3

359. **Employment equity** – The proportion of women in the labour force has increased, and 80 percent of net labour force growth in Québec since 1980 is accounted for primarily by the presence of women. This trend should continue.

360. Despite the progress made, it must be acknowledged that women work in a limited number of sectors, which generally offer lower wages or fewer opportunities for advancement and fewer fringe benefits.

361. Accordingly, the Government of Québec feels that action should be taken not only with respect to the labour market, but also with respect to training, education, and the reconciling of family and employment responsibilities. This is the thrust of the employment equity strategy it has developed, which was discussed above under article 2(e) and (f).

362. **Women with disabilities** – Although concerns about the status of women have existed for several decades in Québec, the same cannot be said of women with disabilities. As a matter of fact, this group began to assert its claims only ten years or so ago.

363. In May 1993, the Forum pour l'intégration sociale des personnes handicapées [forum for the integration of the disabled into society] set out to assess the achievements of the last ten years and guide future action in this area. For the first time at an event of this size women's issues were on the agenda. A discussion on women brought together government agencies responsible for the status of women, the Office des personnes handicapées du Québec [Québec agency for the disabled], and representatives of associations. At this initial meeting, arrangements for co-operation and exchanges were also made.

Article 4

364. **Affirmative action program** – It should be noted that the *Charter of Human Rights and Freedoms* devotes a whole chapter to affirmative action programs; the Government of Québec's contribution to Canada's first report discussed this subject extensively in pages 12 to 14 (pages 333 to 335 of UN document CEDAW/C/5/Add.16).

365. The pilot projects started in 1986 under the affirmative action programs concerning employment were evaluated in the spring of 1991. A comprehensive report was released the following July. It noted that over the four years of the action plan, 76 organizations had taken affirmative action measures affecting close to 900 establishments and 150,000 persons. More than $13 million in funding was granted.

366. With respect to affirmative action programs in the construction industry, in late June 1991 the Minister of Labour announced his intention to study ways of setting up such programs. In October 1993, at the Sommet sur l'industrie de la construction [high-level meeting on the construction industry], the parties involved in this industry undertook to include a clause in collective agreements that would promote women's access to the industry and to create a committee responsible for developing mechanisms to facilitate such access and maintaining and increasing the number of women working in the industry.

367. **Contractual obligation program** – For a description of this program, the reader can refer to paragraph 347 of the third report of Canada. Since the implementation of the contractual obligation program began in 1989, 231 firms have committed themselves to setting

up an affirmative action program. Of this number, 123 are successful bidders and 2 have finished setting up and implementing an affirmative action program.

368. The Commission des droits de la personne has been asked by the Government to evaluate the performance of firms subject to contractual obligations. The following table summarizes the situation for 1991, 1992 and 1993:

1991: 86 active files
59 reports received: diagnostic phase
24 files: evaluation phase
12 files: implementation phase

1992: 105 active files
86 reports received: diagnostic phase
53 files: evaluation phase
26 files: implementation phase
one firm: certificate of merit

1993: 124 active files
79 files: evaluation phase
57 files: implementation phase
one firm: certificate of merit

369. Over these three years, 16 firms that did not meet their commitments were punished by being prohibited from bidding again or receiving a grant.

370. **Activities of the Commission des droits de la personne in setting up voluntary affirmative action programs** – One purpose of the promotion program is to provide union organizations and employers with the training and information needed to set up such programs. On request, expert advice is provided concerning all aspects of setting up the program, particularly structuring and collecting employment data, analysing availability, and analysing employment policies and practices. Finally, the development aspect concerns the creation of instruments to implement the programs. Fifty-seven files were active in 1991, 64 in 1992 (33 of which were opened the same year) and 45 in 1993 (27 of which were opened the same year).

Article 5(a)

371. The Policy Statement on the Status of Women stresses the direct and indirect effects of social relations between women and men, especially regarding health and violence. For example, with respect to violence, it is expressly stated that violence against women is intrinsically linked to the social context in which we live.

372. The Policy Statement on the Status of Women also maintains that the increase in violence-laden messages in the communications media and in pornography promote the emergence of a climate in which all forms of violence, including violence against women,

become a fact of life. The negative messages conveyed contribute to society's tolerance of violence, which prevents the development of egalitarian social relations between women and men.

373. The Policy Statement on the Status of Women and the health and welfare policy adopted in 1992 propose that health and welfare be put back at the centre of social and economic development and that the approaches and actions of the system delivering the services be modified by attacking the source of the problems first. These policies recognize that relations between women and men are an important aspect of the social environment that must be influenced to improve the health of the most disadvantaged groups, such as women heads of single-parent families and elderly women living alone.

374. Concerning the promotion of this provision of the Convention, the Commission des droits de la personne awards the *Droits et libertés* [rights and freedoms] prize every year. In 1992, it was awarded to the president of the Québec Native Women's Association, whose actions have shown that dignity, integrity, independence and basic rights are values that are desired and lived by Aboriginal women as well.

Article 5(b)

375. It is society's responsibility to enable each person to achieve self-fulfilment under the same conditions. Recognizing the role played by women in giving birth to children means promoting a better distribution between women and men, and among the various social and economic institutions involved, of the consequences and costs of having children.

376. The Government recognizes that reconciling family and employment responsibilities, the third aspect of its employment equity strategy, is both a need for parents and a necessity for the organizations to which society must adapt.

Article 7(a)

377. In the municipal sector, the representation of women continues to grow slowly. The percentage of women mayors increased from 6.6 percent in 1990 to 8.6 percent in 1993. There are more women serving as municipal councillors, although they are still in the minority. In 1990, 17.7 percent of councillors were women; this figure rose to 19.2 percent in 1993. (Appendix 2)

Article 7(b)

378. In the public service, the representation of women in executive positions is increasing slowly. In all executive employment categories, the proportion of women rose from 20.8 percent in 1991 to 22.1 percent in 1993. There seem to have been certain very limited gains in deputy minister positions: from 2 women in 1991 (or 6.9 percent of the total) to 7 in 1992 (16.3 percent) and 6 in 1993 (13.3 percent). Since this figure is still very low, it is difficult to identify a precise trend on the basis of such a short period. However, it will be noted that, generally, the representation of women is inversely proportional to the hierarchical

level of executive positions. Indeed, in the "management" category, women make up slightly more than a quarter of all staff, whereas in deputy minister, associate deputy minister and assistant deputy minister positions, women generally account for less than 15 percent. (Appendix 3)

379. As for the representation of women in the judiciary, there has been steady progress over the period from 1990 to 1994. Overall, on March 31 of each year, women accounted for 6.8 percent of judges in 1990, 8.8 percent in 1991, 9.9 percent in 1992, 11.0 percent in 1993 and 11.8 percent in 1994. (Appendix 4)

380. In the realm of politics, the representation of women among those elected has not changed since the last election in 1989. At that time, 23 women were elected to the National Assembly, or 18.4 percent of all the members elected. However, the number of ministers has changed since 1989, following the cabinet shuffle in January 1994. In 1989, six women were appointed ministers, or 20 percent of all ministers. Since January 1994, there have been only four women ministers out of a total of 21, or 19.0 percent of the total. However, they are in charge of important departments such as Income Security, Health and Social Services, Treasury Board, Culture and Communications.

Article 7(c)

381. In Québec school boards in 1992-93, the only year for which data are available, 34 of the chairpersons and 52 percent of the board members were women.

382. It should be noted that to fund the activities of women's groups, government departments and agencies distributed grants of $25,407,306 for 1991-92. This figure rose to $29,456,288 in 1992-93 and $34,186,282 in 1993-94.

Article 10(a)

383. The democratization of education in Québec has greatly benefited girls. The gains speak for themselves: between 1978 and 1990, the number of degrees awarded to women increased by 47 percent at the bachelor level, 133 percent at the master's level and 151 percent at the doctoral level.

384. In 1991, they earned 53 percent of secondary diplomas, 58 percent of college diplomas and 57 percent of university degrees. The proportion of girls proceeding to college education after finishing secondary school is 70.2 percent, compared to only 52.9 percent for boys.

385. Despite this progress, the Government of Québec is continuing its efforts through targeted and diversified action to consolidate the gains that have been made, particularly in the fields of science and technology and in occupational diversification for girls and women. In this area, the situation requires rectification. In 1992, 80.4 percent of the occupational training diplomas at the secondary level awarded to women were concentrated in three sectors out of a possible twenty-three: beauty care, secretarial work and health care. At the college level, women were the recipients of 5.5 percent of technical training diplomas in the physical

sciences degrees and 29.3 percent in the biological sciences. At the university level, in applied sciences, women received only 21.9 percent of the degrees, while in pure sciences this figure was 44 percent and at the doctoral level, it was 26.1 percent.

386. In the status of women policy, the Government admits that occupational diversification for women is a significant problem. It therefore places priority on encouraging girls and women at all levels of education to succeed academically and remain in school, increasing their participation in cutting-edge sectors, and encouraging them to continue in those sectors. These actions will be supported by an inter-departmental committee on professional diversification, which reports to the Secrétariat à la condition féminine [status of women secretariat].

Article 10(c)

387. In 1991-92, the Department of Education continued its work of removing all forms of sexism from educational materials. In order to do this, it produced a framework for analysis that was made available to school boards and it distributed a descriptive critical bibliography of Québec literature for young people from which sexist references had been removed. This was entitled *Le plaisir de lire sans sexisme* [the pleasure of non-sexist reading] and was distributed to all school libraries. It also developed a plan of action to eliminate sexism from attitudes and teaching practices. Finally, it produced and distributed throughout the school system a short film entitled *Clippe mais clippe égal* [favour but favour equally], accompanied by a teacher's guide for students in elementary and secondary schools.

388. The Office de la langue française du Québec [French-language board], for its part, published a guide for use in the feminization of job titles and texts.

389. The commitments made in the status of women policy emphasize actions geared to college students. The Department of Education also plans to develop not only the skills of future teachers in detecting and suppressing various forms of discrimination, in particular those based on sex, but also their ability to choose and use non-discriminatory teaching materials and their ability to help all students to know themselves and to continue with their studies despite the difficulties these students may experience on account of their sex.

Article 10(f)

390. In the early 1990s, 35.3 percent of students "dropped out" of school, just over four out of ten boys and slightly under three out of ten girls. The same figures apply in 1994.

391. In 1992, the Department of Education implemented an action plan, *Chacun ses devoirs* [everybody to their homework], with a budget of $367.6 million, intended for the whole of the school system, elementary and secondary. In five years this operation is designed to enable 80 percent of students to graduate from secondary school by increasing the number of graduates by 3 percent per year.

392. The reasons for "dropping out" and the impact of this decision differ according to sex. Since 1993, the Department of Education has sought to determine the causes of "dropping out" among girls and will provide particular support to encourage teenage mothers to succeed at school.

Article 11(1)(c)

393. In order to alleviate the worsening financial situation of minimum-wage earners, the minimum hourly rate was raised from 1991 to 1993 from $5.55 to $5.70 and to $5.85 on October 1 of those years. Over the same period, the hourly rate for workers who receive tips was raised from $4.83 to $4.98 and $5.13. Lastly, the minimum weekly rate payable to a domestic residing in the home of the employer was raised from $215 to $221 and $227 from 1991 to 1993. These successive increases in the minimum wage benefit mainly women, who account for 70 percent of minimum-wage earners.

Article 11(1)(d)

394. Earnings are not solely dependent on salary. The present comparison between the earnings of women and men, however, relates only to salary. The Secrétariat à la condition féminine [status of women secretariat] has undertaken to set up a task force on overall earnings. The primary mandate of this group will be to determine whether discrepancies also exist in other forms of earnings such as fringe benefits, conditions of work and performance pay. It will then be necessary to determine, where appropriate, the extent of and reasons for the differences.

395. Since January 1, 1991, as a result of the amendments to the *Labour Standards Act*, R.S.Q., c. N-1.1, employers have been prohibited from giving a person whose average hourly wage does not exceed twice the minimum wage a salary rate below what is given to other employees performing the same duties in the same establishment solely on the ground that this employee usually works fewer hours per week. Employers are also prohibited from reducing the duration of annual leave or changing the method of calculating compensation in the same circumstances and for the same reason.

396. Women are very much in the majority in part-time employment. Approximately 70 percent of those who hold part-time jobs are women. One woman in five has such a job whereas the figure for men is less than one in ten.

Article 11(1)(e)

397. The Bill to amend the *Québec Pension Plan Act*, R.S.Q., c. R-9, was passed in June 1993. It provides in particular that a retirement pension may be shared between the beneficiary and his or her married spouse on retirement as long as the couple is not legally separated, the spouse is not less than 60 years old and is not a contributor to the Québec Pension Plan or an equivalent plan. The pension is shared at the request of one of the spouses.

Article 11(2)(a) and (b)

398. The *Labour Standards Act* has been amended to include unpaid parental leave of up to 34 weeks. The conditions that apply when the individual returns to work vary in accordance with the duration of the leave. Thus, if the employee returns to work after not more than 12 weeks of leave, the employee may return to his or her usual position with the same benefits, including the salary to which he or she would have been entitled if no leave had been taken. If the employee has taken more than 12 weeks of parental leave, the employer is merely required to reinstate him or her in a comparable position in the same establishment. As in the case of maternity leave, a presumption of prohibited practice continues to apply for at least 20 weeks after the return to work from parental leave.

399. This Act confers the right to leave but does not provide for income replacement. At the present time, income replacement during maternity leave and parental leave is provided by the *Unemployment Insurance Act*, a federal statute that provides for partial income replacement.

Article 11(2)(c)

400. On December 16, 1992, the Government issued new regulations making it possible to determine and allocate each year the number of day care places that are totally subsidized or for which financial assistance and grants may be provided. In addition to prescribing how the number of new day care places for which funding may be provided by the Office des services de garde à l'enfance [day care services board] is determined, the regulations also contain the criteria governing the allocation of these new places among the sixteen regions of Québec and within those regions.

401. As of March 31, 1994, Québec child care services regulated by the day care services board provided a total of 102,183 places: 49,117 in day care centres, 15,253 in families and 37,135 at schools.

402. It should be noted that in November 1992 the Government adopted a new *Politique d'intervention en service de garde à l'intention des enfants issus de milieux défavorisés* [policy on action by day care services in the case of children from disadvantaged homes]. This policy has two major objectives: to provide more support for day care staff so that they are better able to meet the specific needs of children from disadvantaged families and to implement a program to stimulate children at an early age and to provide a support program for parents.

403. Finally, the *Taxation Act*, R.S.Q., c. I-3, enables parents who work outside the home to deduct a large part of the cost of day care for their children from their taxable income. In addition to this deduction, there is a tax credit for all persons with one or more dependent children.

Article 11(2)(d)

404. Following numerous criticisms of the management of the preventive withdrawal program for pregnant workers or nursing mothers, the program was refocused on its primary objective, namely, prevention. Since 1990, the program has had a new name: Pour une maternité sans danger [Maternity without danger].

405. In 1992, 19,029 applications or 92.8 percent of those received (20,700) during the year were accepted. The total amount of compensation paid was $80 million. The number of applications accepted was slightly down from the figure for 1991 (19,307). Between 1991 and 1992, however, there was a 4 percent increase in the total amount of compensation paid.

406. The primary objective of the program is still to enable the employee to remain at work by means of a temporary reassignment. Unfortunately, the almost systematic withdrawal of pregnant women from workplaces penalizes these women by depriving them of all the benefits that would result from a more continuous presence at work.

407. **Legal decisions in the employment sector** – Between January 1991 and March 31, 1994, many judgments were issued in the employment sector:

- *CDP c. A. H. Besner Ltée.*[1]: In this case, the complainant was awarded $4,655 in compensation for dismissal following that of her husband. The defendant claimed there was a conflict of interest. The Tribunal held that such dismissal was a discriminatory act based on the victim's civil status (marital status).

- *Dufour c. Centre hospitalier Saint-Joseph-de-la-Malbaie*[2]: This was a case involving gender requirements for positions in a hospital setting. The hospital refused to hire women for permanent positions, preferring men with less seniority on the ground that it was respecting the right of male patients to intimate care by persons of their own sex and because of the physical strength required in the work. The Tribunal accepted the complainants' arguments because the employer failed to show the relevance of its reasons for refusal and ordered it to pay the complainants between $10,000 and $15,000 for pain and suffering.

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1 CDP refers to the Québec human rights commission (Commission des droits de la personne). C.Q. No. 760-02-000324-892, July 19, 1991, (J. R. Boyer). See also No. 9 below.

2 T.D.P.Q., No. 240-53-000001-918, January 29, 1992, (J. M. Rivet). Note that in this case the Human Rights Commission was not the applicant.

- In *CDP c. 116550 Canada Inc.*[3], the Tribunal had to consider the dismissal of a restaurant waitress on account of her age. According to the complainant's testimony, her employer told her when she was dismissed that she was too old although the defendant, on the other hand, gave the employee's incompetence as the reason. The Tribunal accepted the complainant's arguments and ordered the defendant to pay $2,000 for pain and suffering and $1,652 in material damages.

- *CDP c. Up-Town Automobiles Ltée.*[4]: In this case, the complainant, the only woman on a team of five car salespersons, was humiliated by her male colleagues prior to her dismissal. The judgment accepted the Commission's claim and found that the dismissal was discriminatory because it was based on sex. The Tribunal awarded the victim $16,450 for loss of income, $2,000 for pain and suffering and $500 in exemplary damages, since the judge felt that the employer had acted with intent.

- *CDP c. R. Marotte*[5]: In this case, the complainant was a guard in an institution for the rehabilitation of socially maladjusted young persons. She was sexually harassed by her team leader and had to absent herself temporarily from work because of the tension and anxiety caused by the situation. According to the judge, the harassment "affected the integrity of the person and consequently deeply upset the victim". The judge awarded the victim a sum of $2,000 for pain and suffering.

- *CDP c. Entrepôt Tapis du manufacturier M. E. Inc.*[6] involved a dismissal of the complainant when her husband had just left his job to work for a competing business. The employer argued a possible conflict of loyalty. The Commission's application was allowed. The Tribunal felt that the dismissal was discriminatory in that it was based on civil status and ordered the defendant to pay $990 in material damages and $1,500 for pain and suffering.

- In *CDP c. J. Y. Larouche*[7], the Tribunal held that the employer had sexually harassed the complainant and that this had been aggravated by an intrusion into her privacy. The judge consequently ordered the defendant to pay the victim $8,700 in material damages and for pain and suffering.

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3 T.D.P.Q., No. 500-000004-927, October 20, 1992, (J. M. Sheehan). In this context see also *C.D.P. c. Antginas*, below, note 9.

4 T.D.P.Q., No. 500-53-000005-924, November 12, 1992, (J. M. Sheehan).

5 C.Q., No. 500-033549-903, November 24, 1992, (J. R. Barbe).

6 T.D.P.Q., No. 500-53-000001-923, December 9, 1992, (J. G. Rouleau).

7 T.D.P.Q., No. 655-53-000002-923, April 27, 1993, (J. G. Rouleau).

- In *CDP c. Municipalité de Petite-Rivière Saint-François*[8], the Tribunal granted the Commission's application alleging a discriminatory refusal to hire the complainant on the basis of civil status and sex. The victim had lost a position as assistant secretary-treasurer because her husband had been a municipal councillor and also because she had children, unlike another candidate. The Tribunal awarded the victim $6,000 in material damages and $4,000 for pain and suffering.

- In *CDP c. E. Antginas*[9], two restaurant waitresses who complained about their dismissal based on the fact that their employer wished to hire younger staff, were successful in their claim. The Tribunal assessed the material damages as being three months' income (including tips) of each of the two victims: $3,625 and $3,705. It also assessed the pain and suffering of the victim who had worked for approximately three years at $2,000 and that of the victim who had worked for only three months at $1,000.

- *CDP c. Hudon et Daudelin Ltée*[10]: This case involved a refusal to hire a woman to a position as a management secretary because of fears of a conflict of interest owing to her husband's status as a union member. However, the Commission's application was dismissed by the Tribunal, which held that the lack of a marital link with an employee of the business was a prerequisite for the job.

Article 12(1)

408. The reform of the health and social services system and the adoption of the *Politique de la santé et du bien-être* [health and welfare policy] were aimed at making significant reductions in the health and social problems that caused most suffering to the people of Québec. This policy recognizes the relations between men and women as constituting an important aspect of the social environment on which action should be taken in the future in order to improve the health of the most affected groups.

409. In order to ensure that mental health services take the needs and living conditions of women into account, the Department of Health and Social Services organized training sessions on feminist intervention, during the 1992-1994 period, which were offered to persons working with women in both community organizations and various types of institutions in the health and social services system.

410. In 1993, the Comité de la santé mentale du Québec [Québec mental health committee] published a work entitled *Le défi de l'égalité, la santé mentale des hommes et des femmes* [the challenge of equality: the mental health of men and women]. This publication was used to

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8 T.D.P.Q., No. 240-53-000001-926, June 23, 1993, (J. M. Rivet).

9 T.D.P.Q., No. 500-53-000029-924 and No. 500-53-000030-922, August 19, 1993, (J. M. Rivet).

10 T.D.P.Q., No. 500-53-000011-930, November 15, 1993, (J. M. Sheehan).

enhance the *Politique de santé mentale* [mental health policy] adopted in 1989. It takes a preventive and promotional approach, as do the other seven publications prepared by groups of experts attached to the committee on various questions involving mental health: aging, poverty, work, cultural communities, Aboriginal people, rehabilitation, prevention and promotion.

411. In 1993, a task force was formed with a mandate to propose, for the benefit of all regions of the province, a reference framework to promote the development and integration of services to be offered to women as part of regional plans for the organization of mental health services.

412. In Phase III of the *Stratégie québécoise de lutte contre le sida et de prévention des maladies transmissibles sexuellement* [Québec strategy against AIDS and to prevent sexually transmitted diseases], the action plan of the Department of Health and Social Services for the years 1992 to 1995 identifies women as a group to which priority must be given. Acting through the Centre québécois de coordination sur le sida [Québec AIDS co-ordination centre], the Department provides grants to regional associations to implement preventive projects for women. After awareness of the impact of AIDS in relations between men and women was raised at the Conference on Les femmes et le sida : Les enjeux [women and AIDS: the issues] in 1990, the Government took other initiatives such as funding a residence for women who are HIV-positive or have AIDS, the development of special projects for women in Québec and cultural communities and publication of information and reference brochures.

Article 12(2)

413. Québec adopted a new policy on perinatal care in 1993 entitled *Protéger la naissance, soutenir les parents : un engagement collectif* [protecting birth, supporting parents: a collective undertaking], which was based on the *La périnatalité au Québec* [perinatal care in Québec] series published by the Department of Health and Social Services. The policy retains certain objectives of the 1973 policy that were not reached and takes into account new problems that have emerged over the last decade or so. The major areas for action suggested in the policy are based on the conviction that pregnancy, delivery, birth and breast-feeding form a natural physiological process and a multi-dimensional reality and that parents are able to take care of their children, a responsibility they will assume more readily if they feel that they are recognized by society and supported in their role.

414. With financial support from the Department of Health and Social Services, several community organizations working in the field of perinatal care are involved in activities with and provide services to disadvantaged pregnant women, pregnant teenagers or young mothers experiencing difficulty.

415. The *Act respecting the practice of midwifery within the framework of pilot projects*, R.S.Q., c. P-16.1, which became law on June 22, 1990, authorizes experiments in the practice of midwifery in Québec in eight pilot projects. The Act provides for the creation of a Conseil d'évaluation des projets-pilotes [pilot project assessment board], criteria for approving these projects and their contents, including the creation of a multi-disciplinary council, as well as

mechanisms to follow up on and assess the pilot projects. The Act also describes the practice of midwifery and provides for the creation of the Comité d'admission à la pratique des sages-femmes [committee on admission to the practice of midwifery], which must devise criteria governing the competence and training of mid-wives and establish criteria of obstetrical and neo-natal risk. These criteria are contained in two regulations issued by order on August 19, 1992 and March 24, 1993.

416. The Act provides that the Conseil d'évaluation des projects-pilotes must file its report and recommendations in December 1997, nine months before the Act ceases to apply in September 1998.

417. In 1992, the Department of Health and Social Services began consultations concerning a policy document on planned parenthood. The aim of these policies is to promote the making of enlightened and responsible choices in planning parenthood while promoting optimum sexual health. Following the adoption of these policies, each regional board will have to analyse the needs of the public in this regard and establish appropriate criteria and mechanisms for consultation and co-ordination in the organization of health and psycho-social services. Planned parenthood services are an aspect of essential services, from the point of view of women's reproductive health, and are a major means of preventing social and health problems among young persons.

418. Moreover, as far as nutrition during pregnancy and breast-feeding are concerned, the *Regulation respecting Income Security*, S-3.1.1, r. 2, gives income security recipients special benefits of $40 per month during pregnancy and benefits of $50 per month for breastfeeding a dependent child of under six months.

Article 13(a)

419. In 1992, the birth allowance, which had been paid since 1988 and graduated in accordance with the child's birth order, was increased starting with the third child. The allowance, which is paid over a period of five years, was increased from $7,500 to $8,000. In the case of adoption, the age limit for entitlement to the birth allowance was increased from two to five years.

Article 13(b)

420. The participation of women in and the contribution they have made to the world of business has increased substantially over the last few years. Studies have shown that women entrepreneurs face a number of problems, in particular access to various sources of funding and the need to develop networks of contacts. The Federal Business Development Bank, in co-operation with various partners and sponsors, including a number of Québec government departments and agencies, implemented the Step-up Program: Business Expansion Training for Women in the fall of 1992. It includes workshops that provide training on how to make a business grow, offer possibilities of twinning with a female sponsor and the establishment of networks of contacts. Following the success of the pilot project, this program has now entered Phase II and should continue.

Article 14

421. In 1990, the Accès à la propriété pour les conjointes et conjoints de 40 ans et plus [access to property for spouses over 40] program was developed and implemented by the Department of Agriculture, Fisheries and Food. It provides for the payment of $5,000 grants to women farmers who do not hold title to the property in the farming business in which they have worked for several years. The grant is designed to cover the cost of transferring the property to these farmers. The program ended on March 31, 1994 after 437 grants had been paid.

422. In 1992, the Department of Agriculture, Fisheries and Food adopted three-year approaches on the status of women in agriculture which are designed to gain recognition of the professional work done by women farmers, promote the establishment of young women farmers, emphasize human aspects in the management of farming businesses and promote participation by women farmers in rural life.

423. In March 1994, Québec had 26,879 women farmers, 11,234, or 41.8 percent, of whom held title to their property.

Article 16(1)

424. Article 392 of the *Civil Code of Québec* states that spouses have the same rights and obligations. Also, article 394 provides that spouses together take in hand the moral and material direction of the family. This principle is also recognized in section 47 of the *Charter of Human Rights and Freedoms*. Article 600 of the *Civil Code of Québec* provides that the father and mother exercise parental authority together, while article 599 adds that they have the rights and duties of custody, supervision and education of their children.

425. Articles 414 to 426 of the Civil Code establish a family patrimony that may be partitioned in the case of separation from bed and board, divorce, annulment or death. It should be noted that the provisions governing the family patrimony facilitate negotiations between spouses when their relationship is discontinued, avoids the undue impoverishment of one of the spouses and has a positive impact on the children.

APPENDIX 1

Violence against women

In Québec, community action has played the leading role in ensuring that specific assistance was provided in situations where women were abused. Volunteers from all backgrounds organized to provide the most urgent accommodation, assistance, listening and support services.

As early as 1975, the first Centre d'aide et de lutte contre les aggressions à caractère sexuel (CALACS) [centre to provide assistance in and to combat cases of sexual assault] and in 1976 the first half-way houses and shelters for women and children appeared.

This community action provided the basis for the government policies, approaches and programs that have since followed.

Government action

In 1985, the Department of Health and Social Services presented the *Politique d'aide aux femmes violentées* [policy on assistance for abused women]. It was geared to two specific realities: battered women in a marital context and women who were the victims of sexual assault. The main objectives of this policy were to reduce these forms of violence, improve services for victims and contribute to changes in attitude and mentality.

In the following year, the Department of Justice and the Department of the Solicitor General developed the *Politique d'intervention en matière de violence conjugale* [policy on action to be taken in cases of spousal violence]. This policy emphasized the humanization of the judicial treatment of victims and stressed the need for criminal proceedings to be brought with respect to the deeds perpetrated by the spouse. It was also designed to lower the threshold of community tolerance of spousal violence and invited judicial, community and psycho-social resources to work together.

In the spring of 1992, the Department of Health and Social Services adopted the *orientations en matière de programmes d'intervention auprès des conjoints violents* [guide to programs of action with respect to violent spouses]. This guide governs actions to deal with violent spouses in the province and the development of services for them, while confirming the recognition of these resources as an essential component of intervention in this area. In addition, under the guidelines adopted, this intervention must be a continuous and complement the assistance and protection services provided to women and children who are the victims of violence.

An interdepartmental committee providing co-ordination in the area of spousal and family violence was asked by the Government in 1993 to develop a draft *politique concernant la violence conjugale et ses effets sur les enfants* [policy on spousal violence and its effects on children]. This policy, which is expected to be ready in 1995, will bring together the approaches and actions of the various departments and agencies dealing with this problem. In this context, it is proposed that an overall, co-operative, multidisciplinary and preventive

approach be developed in partnership with social, judicial and community groups and organizations.

In December 1993, the Minister of Health and Social Services announced the creation of a task force on sexual assault, which has a mandate to document the problem, draw up a balance sheet of all resources, actions and mechanisms for co-operation, formulate policies and objectives and make appropriate recommendations. This work is designed to produce a plan of action for the Minister of Health and Social Services and his or her partners.

Assistance services

The main community assistance services for victims are as follows:

* Ten centres d'aide aux victimes d'actes criminels (CAVAC) [centres to assist the victims of criminal offences] welcome, inform and support the victims of criminal offences. If necessary, the persons who work there accompany victims in their dealings with private or public agencies and to court. The CAVAC also steers victims to appropriate legal, medical, social and community resources.

In 1992-1993, the clientele of the CAVACs consisted of 74.9 percent women. These were primarily direct victims (91.4 percent), 23 percent of whom were the victims of spousal violence, 32.9 percent of assault, 28.3 percent of sexual offences and 14.5 percent of threats. Of the women victims, 76.3 percent knew the offender. In most of the cases, the offender was unknown to the male victims (52 percent). Ninety-eight per cent of the victims of crimes involving spousal violence were women.

* SOS Violence conjugale [SOS spousal violence] is a permanent telephone service that was established for women who were the victims of spousal violence and steers them to appropriate assistance services. It began operations on December 1, 1987. It is a free bilingual service, accessible 24 hours a day, seven days a week, and it uses the same number throughout Québec.

This telephone service is staffed by the Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence [provincial organization of shelters and half-way houses for physically abused women] and funding is provided by the Department of Justice. Between December 1987 and March 1, 1993, the emergency line received 75,133 calls. Two out of three calls came from women who were the victims of abuse by their spouses, who were looking for information or someone to talk to and one out of three involved a request for accommodation.

* There are also 23 centres providing assistance in cases of and to combat sexual assault and an organization that focuses on women who are the victims of sexual assault. Individual and group meetings are organized to help the victims overcome the consequences of assault. The staff at these centres can also accompany women in their dealings with private and public organizations and to court. These centres generally provide emergency telephone service that is accessible 24 hours a day and 7 days a week.

* Shelters for physically abused women help these women and their children by providing accommodation, listening and offering assistance, support, information, reference, company and follow-up. They also provide security and confidentiality and enable the women, by providing immediate and appropriate assistance, to come out of their isolation, clarify their situation and make an appropriate decision.

These homes offer services 24 hours a day, seven days a week, and have qualified staff on site. They also co-operate with the various community resources, both by referring cases and by offering the abused women services in addition to those offered by these community facilities.

An initial funding framework for shelters was adopted in 1987 and a second in December 1992. At the present time in Québec, there are 91 homes and shelters and two umbrella organizations.

* Women's health centres are non-profit organizations that have the following objectives: reducing medical intervention, eliminating sexist approaches in medicine and the health system and enabling women to take greater responsibility for their health in order to provide genuine prevention and a reduction in social costs. There are three women's health centres in Québec and a provincial organization was formed on August 20, 1985. This organization does not receive any grants from government.

* Women's centres are multi-faceted resources that welcome women who have to assert their own independence in the face of problems that are sometimes very serious such as mental health, violence, poverty, isolation and single parenthood. On August 24, 1989, the Department of Health and Social Services published the first triennial funding plan for women's centres in Québec. The number of centres subsidized by this Department increased from 63 in 1988-1989 to 76 in 1993-1994. There is also an umbrella organization for these women's centres.

* In 1984, a guide to action with respect to the victims of sexual assault was prepared and it was designed to ensure that victims would be received with respect and appropriate care, to sensitize the staff involved in dealing with these problems, to facilitate dealings with victims, to combat myths and prejudices and to provide the police and doctors with a medical-legal tool to increase the effectiveness of their work in the case of prosecution: the medical-legal kit.

The use of this kit, which makes it possible to take samples for medical and legal purposes that supplement the medical and legal examination, is designed to ensure that the victim and the doctors do not have to testify in court. Because it is a complex instrument, this kit was revised in 1987 to make it easier to use.

Information

In February 1988, the Department of Health and Social Services, the Department of Justice and the Department of the Solicitor General launched a major information and publicity

campaign on the topic of "La violence conjugale, c'est inacceptable!" [spousal violence is unacceptable].

This consciousness-raising campaign formed part of the 1985 *Politique d'aide aux femmes violentées* [policy on assistance for abused women] and the 1986 *Politique d'intervention de violence conjugale* [policy on action with respect to spousal violence]. It was designed to encourage abused women to report the abuse to which they had been subjected and to make use of the judicial system in order to bring home to violent husbands that this system would punish severely the crime they had perpetrated. It was also designed to suggest to victims and violent males concrete means of emerging from the vicious circle of spousal violence.

For six weeks messages on television and radio, in daily and weekly newspapers and on posters and in information brochures formed an integral part of this public relations operation conducted jointly with the regional health and social services boards and the departments of Justice and the Solicitor General.

In order to provide support for the recommendation made by the Committee on the Elimination of Discrimination against Women, the Commission des droits de la personne in 1993 devoted a special issue of its newsletter *Forum Droits et Libertés* to the topic of violence against women and more than 8,000 copies were distributed. In the forty pages of this publication, various aspects of violence against women were considered, in particular, male violence, violence as a violation of the rights and freedoms of women and means of eliminating it, violence as a daily occurrence and sexual harassment. The Bulletin also accentuated the scope of recommendation No. 19 of the Committee by reproducing the passage that stated that violence against women was a form of discrimination that compromised or nullified the enjoyment of their fundamental rights and freedoms.

In a policy document devoted to harassment in housing, which came out in 1993, the Commission stressed the unequal and potentially adversarial character of relations between landlords and tenants, especially the vulnerability of women tenants. The document helped to make it easier to identify harassment and its various manifestations and to make victims more aware of the recourses and remedies that exist to combat such harassment effectively.

In the fall of 1990, the Fédération des ressources d'hébergement pour femmes violentées en difficulté du Québec [federation of housing resources for abused women in difficulty], in co-operation with the Québec Chamber of Notaries adopted an approach to raising community awareness in order to combat violence against women through a media campaign and social activities in a region of the province. In January 1992, the federation also saw the governments join in and its awareness campaign is now geared to all the administrative regions of the province. The Québec Chamber of Notaries, for its part, has again undertaken to conduct the media part of this awareness campaign.

By providing financial support, the various government departments have made it possible to complete and distribute a guide that increases people's awareness of spousal violence and is also an educational tool. This document is distributed in hospitals, local community services centres, assistance services and numerous public places.

Growth in the Department of Health and Social Services (DHSS) Funding for service groups

Overview of funding for service groups provincial development of grants awarded by the DHSS (1987 to 1993)

RESOURCES	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	DIFFERENCES 1992-93/ 1993-94
ACCOMMODATION RESOURCES FOR ABUSED WOMEN								
Number: Regions: $:	65+(2regr) 11 9 183 182	68+(2regr) 11 12 129 744	76+(2regr) 11 13 915 800	79+(2regr) 11 14 759 511	85+(2regr) 16 15 874 746	85+(2regr) 16 19 534 680	91+(2regr)* 18 20 233 941	699 261 +3.6%
PROGRAMS FOR ABUSIVE SPOUSES								
Number: Regions: $:	7 4 195 000	11 6 230 000	11 6 285 000	17 11 405 000	19+(1regr) 11 620 000	23+(1regr) 11 1 004 199	24+(1regr) 11 1 218 000	213 801 +21.3%
CALACS								
Number: Regions: $:	16+(1regr) 9 739 000	18+(1regr) 10 889 000	19+(1regr) 10 1 065 000	19+(1regr) 10 1 061 840	22+(1regr) 13 1 224 340	22+(1regr) 13 1 421 692	23+(1regr) 13 1 766 000	344 308 +24.2%
WOMEN'S CENTRES								
Number: Regions: $:	39+(1regr) 11 568 400	62+(1regr) 11 886 750	70+(1regr) 11 1 680 000	71+(1regr) 11 2 312 000	74+1(regr) 15 2 776 000	75+(1regr) 15 2 966 086	76+(1regr)** 16 4 153 000	1 186 914 +40.0%
HEALTH CENTRES								
Number: Regions: $:	5 4 106 000	3 3 77 875	3 3 102 760	3 3 102 760	3 3 102 760	3 3 102 760	3+(1regr) 3 150 000	47 240 +46.0%
TOTAL	10 791 888	14 213 369	17 048 560	18 624 111	20 597 846	25 029 417	27 520 941	2 491 524 +10.0%

* In 1993-94, there were 91 homes and accommodation resources and 2 provincial organizations. Eight resources included here that are not homes as such are subsidized by the DHSS because they provide accommodation as part of specific projects dealing with violence. Two further regions are served: Kativik and the Cree area of James Bay.

** Two women's centres were subsidized in 1993-94 from the discretionary funds of the Minister of Health and Social Services and not from the DHSS budget for community organizations. The total involved was $70,000.

Table prepared by the Secretariat à la condition féminine, April 1994.

APPENDIX 2

Growth in the number of women elected as mayors and councillors in Québec municipalities

Year	Mayoresses		Councillors	
	Elected	%	Number elected	%
1990	97	6.6	1622	17.7
1991	112	7.5	1701	18.3
1992	114	7.9	1703	18.7
1993	125	8.6	1730	19.2

Data provided by the Department of Municipal Affairs, December 1993.

Table prepared by the Secrétariat à la condition féminine, April 1994.

APPENDIX 3

Distribution of senior management in the Québec Public Service* by employment category and sex, March 1991 to March 1993

YEAR AND EMPLOYMENT CATEGORY	MEN NUMBER	%	WOMEN NUMBER	%	TOTAL NUMBER	%
1991 (1)						
Deputy Minister	27	93.1	2	6.9	29	100.0
Associate Deputy Minister	31	88.6	4	11.4	35	100.0
Assistant Deputy Minister	86	88.7	11	11.3	97	100.0
Director of agency	56	82.4	12	17.6	68	100.0
Member of senior management	253	73.8	90	26.2	343	100.0
Total	453	79.2	119	20.8	572	100.0
1992 (2)						
Deputy Minister	36	83.7	7	16.3	43	100.0
Associate Deputy Minister	26	92.9	2	7.1	28	100.0
Assistant Deputy Minister	85	89.5	10	10.5	95	100.0
Director of agency	53	80.3	13	19.7	66	100.0
Member of senior management	248	72.5	94	27.5	342	100.0
Total	448	78.0	126	22.0	574	100.0
1993 (3)						
Deputy Minister	39	86.7	6	13.3	45	100.0
Associate Deputy Minister	33	89.2	4	10.8	37	100.0
Assistant Deputy Minister	87	87.0	13	13.0	100	100.0
Director of agency	56	81.2	13	18.8	69	100.0
Member of senior management	244	72.2	94	27.8	338	100.0
Total	459	77.9	130	22.1	589	100.0

* Includes both staff that is subject and staff that is not subject to the *Public Service Act*.

Sources :

(1) Office des ressources humaines, Portrait statistique de l'effectif régulier de la fonction publique du Québec, 1991, p. 224.

(2) Office des ressources humaines, Portrait statistique de l'effectif régulier et occasionnel de la fonction publique du Québec, 1992, p. 150.

(3) Office des ressources humaines, Unpublished data.

Table prepared by the Secrétariat à la condition féminine, April 1994.

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APPENDIX 4

Representation of women in the judiciary

Municipal Courts			
As of March 31	**Total number of judges**	**Total number of women**	**%**
1990	100	2	2.0
1991	91	2	2.2
1992	83	2	2.4
1993	94	4	4.3
1994	97	6	6.2

Court of Québec			
As of March 31	**Total number of judges**	**Total number of women**	**%**
1990	285	21	7.4
1991	290	29	10.0
1992	290	33	11.4
1993	290	36	12.4
1994	290	37	12.8

Superior Court			
As of March 31	**Total number of judges**	**Total number of women**	**%**
1990	143	11	7.7
1991	143	14	9.8
1992	143	15	10.5
1993	143	16	11.2
1994	143	17	11.9

Court of Appeal			
As of March 31	**Total number of judges**	**Total number of women**	**%**
1990	19	3	15.8
1991	19	3	15.8
1992	20	3	15.0
1993	20	4	20.0
1994	20	5	25.0

Data provided by the Department of Justice, April 1994.

Table prepared by the Secrétariat à la condition féminine, April 1994.

6. ONTARIO

Introduction

426. This document summarizes and updates the measures that the Province of Ontario has taken since the third report up to March 31, 1994 with respect to provincial policies, legislation and programs relevant to the articles of the *Convention on the Elimination of All Forms of Discrimination against Women.*

Articles 2 and 3: Equality

Ontario Human Rights Commission

427. The Ontario Human Rights Commission administers and enforces the Ontario *Human Rights Code*. The purpose of the Code is to eliminate discrimination in all forms and to provide for the equal rights and opportunities of every person in Ontario.

428. The Commission is implementing a series of eight organizational improvement mechanisms which are intended to effect tangible reforms in the way the Commission's work is conducted. Specifically, the Commission is: implementing a quality and quantity assurance system; establishing a coherent customer service program; streamlining and enhancing enforcement procedures; using technology to become more efficient and productive; creating a lean organizational structure; defining and preserving clear standards of accountability; supporting all staff through relevant training and development; and acting to ensure organizational health, including the use of sound anti-racism principles.

429. The Commission's Public Policy and Education Branch has developed a policy on sexual harassment and gender-related comments and jokes which is now being implemented.

Ontario Women's Directorate

430. The Ontario Women's Directorate is the central advocacy agency for women within the provincial government. The Directorate works to enable the government to achieve its commitment to economic, social and legal equality for all women in Ontario. The Directorate has continued to fulfil its mandate since its founding in 1983, and now has 80 employees and an annual budget of $22.6 million.

431. The Community Grants Program has an allocation of $750,000. Funds are targeted for time-limited projects which address the prevention of violence against women, economic equity, workplace discrimination, educational equity and training, and the balance between paid work and family. The criteria also focus on the needs of immigrant, racial minority, Aboriginal, elderly, disabled, rural, francophone, lesbian and young women. In addition, the Wife Assault Public Education Grants Program, with an allocation of $197,000 and the Sexual Assault Public Education Grants Program, with an allocation of $174,000, distribute funds to

community groups for local public education on sexual assault and wife assault issues and are administered on the basis of fair regional distribution.

432. In 1993, a $1 million stabilization program was established for 20 women's centres to ensure their continued service and advocacy for Ontario.

433. The Directorate also implements and administers the Change Agent program. This program is designed to encourage innovative projects in the private sector which influence implementation of education and training equity, community economic development initiatives, balancing of work and family responsibilities, and reduction of workplace harassment.

434. The Directorate co-ordinates the Wife Assault and Sexual Assault Prevention Initiatives. Since the third report, the Directorate has been working with ministries and with input from community groups to integrate these initiatives into a comprehensive Violence Against Women Prevention Strategy.

Ontario Advisory Council on Women's Issues

435. The Ontario Advisory Council on Women's Issues advises government on matters relating to the status of women in Ontario. The Council is an independent arms-length organization that advises on government directions and policies.

436. Since 1993, members of the Council have been chosen by a community nomination process. By opening the process to input from women's groups, the Council recently welcomed 15 new members who represent the diversity of women and women's interests in Ontario.

Women who face multiple forms of discrimination

437. The Government of Ontario has enacted legislation and implemented programs to foster the equality of women who face multiple forms of discrimination. Outlined below are some of the specific policies and programs aimed at assisting these women. See also Article 4.1 with respect to employment equity.

(a) Women with disabilities and senior women

438. The *Advocacy Act, 1992*, proclaimed in force on April 3, 1995, helps all vulnerable people to exercise their fundamental rights, including the right to seek change in the way that services are delivered. An Advocacy Commission, controlled by the disabled persons and seniors communities will design and administer the system. This Act is part of larger legislation aimed to protect adults with disabilities from abuse and neglect.

439. The Office for Disability Issues of the Ministry of Citizenship and the Ontario Women's Directorate provide $285,000 through the community action fund to improve accessibility of services for women with disabilities who are victims of abuse.

440. In 1993, the Government of Ontario, in partnership with the Disabled Women's Network of Toronto, conducted a needs assessment related to wife assault of women with disabilities. The report was issued in April, 1993.

441. The Seniors Issue Group of the Ministry of Citizenship and the Ontario Women's Directorate recently published a research feasibility study on the issue of sexual assault of senior women. Elder abuse is an issue that affects women disproportionately. The Ministry has addressed this issue through community research and policy initiatives.

442. An Access Fund has been developed by the Ministry of Citizenship to increase physical accessibility by persons with disabilities and seniors to existing community room meetings and public facilities, including the provision of alternative formats such as braillers, telephone devices for the deaf (TDD's) and scanners. Approximately $200,000 was granted from the fund to 12 women's organizations from January 1991 to the end of the fiscal year 1993.

(b) Aboriginal women

443. The Government of Ontario has worked to fulfil its commitment to develop an Aboriginal family violence prevention and health promotion strategy. The Government launched an Aboriginal Healing and Wellness Strategy in 1994, in partnership with representatives of major Aboriginal organizations. The Strategy addresses the serious problems of family violence in Aboriginal communities and will improve access by Aboriginal persons to health care. $33.3 million in ongoing funding and $16 million in one-time capital has been allocated to fund this strategy over the next 5 years.

444. The Ontario Native Affairs Secretariat provides funding to the Ontario Native Women's Association for projects for Aboriginal women. In 1991-92, funds were provided for the Aboriginal Women's Self-Government Resource Centre ($240,000) and Environment Conference ($10,000). The Secretariat continues to support the implementation of the Statement of Political Relationship between the province and Aboriginal Nations ($125,000 per year).

(c) Lesbian women

445. Since 1992, the Government of Ontario has provided employee benefits to same sex partners of employees in the Ontario public service.

446. The Government of Ontario introduced legislation which would have granted same-sex couples equal rights, benefits and obligations as heterosexual common-law couples. However, the proposed legislation was narrowly defeated by a vote of the Legislature.

(d) Immigrant and visible minority women

447. See also responses to article 12.

448. The Ontario Anti-Racism Secretariat of the Ministry of Citizenship has worked to build the capacity and increase the self-sufficiency of a number of women's organizations focused on anti-discrimination activity by providing operating funding during the last two fiscal years. In 1992-93, a total of $115,000 was allocated and in 1993-94 a total of $129,000 was provided.

449. In 1992, the Ministry of Citizenship announced funding of $1.2 million for seven Cultural Interpreter Services for 1992-93. These services support non-English speaking women, particularly those who are victims of violence, and assist them in getting necessary shelter, social, legal and medical support services.

450. In 1992, the Riverdale Immigrant Women's Centre received $106,785 to continue providing settlement and integration services, as well as English as a second language programs, to South Asian and Chinese speaking women and their families. New Experiences for Refugees Women in Toronto received $53,010 to continue providing similar services to refugee women from Latin American countries.

Article 4.1: De facto equality

Employment equity

451. In December 1993, the *Employment Equity Act* received third reading; it came into force on September 1, 1994. The Act legislates employment equity for four designated groups — women, Aboriginal persons, racial minorities and persons with disabilities. These groups were found to be disadvantaged in the workplace and to have faced barriers, many embedded in workplace policies and procedures, that denied them equal opportunity.

452. The Act covers over 75 percent of Ontario's workers and includes the Ontario Public Service, broader public sector employers with 10 or more employees (i.e. publicly funded employers such as municipalities, hospitals, school boards, universities and social agencies) and private sector workplaces with 50 or more employees.

453. Under the Act, employers will survey their workforce to determine representation of designated group members; review their workplace policies and practices to identify barriers faced by the disadvantaged groups and develop an employment equity plan to eliminate the barriers and to initiate measures to overcome the disadvantages faced by members of the designated groups. Where workers are unionized, their representatives will have joint responsibility for developing these steps, while non-unionized workers must be consulted by their employers during the process.

454. The public and stakeholder consultation process was initiated in 1991, with the Minister of Citizenship's appointment of a Commissioner to carry out a public consultation on employment equity. The Employment Equity Commissioner received over 400 submissions and prepared a report, *Opening Doors*. Public and stakeholder consultation continued as the legislation was moved through three readings in Ontario's legislature and throughout the development of regulations.

455. The Act establishes an Employment Equity Commission to administer and monitor the legislation. The Commission will provide guidance, information and data to support the implementation of employment equity. Disputes about compliance and complaints of non-compliance will be mediated or decided by the Employment Equity Tribunal.

456. Between 1984 and 1992, the Ontario Government provided $16.6 million in the form of the Employment Equity Incentive Fund to encourage the development and implementation of employment equity funds in the broader public sector. The Fund provided financial assistance, on a cost-sharing basis with recipients, to conduct needs assessments, hire employment equity co-ordinators for program development and implementation, and carry out special projects. By 1992, a total of 401 organizations had received funding: 148 of a total of 183 school boards; 30 of 101 large companies; 23 of 23 colleges; 18 of 18 universities; and 182 of 223 hospitals with more than 100 beds. Prior to the Fund, only 19 public sector organizations had implemented employment equity initiatives for women.

457. The Government of Ontario has conducted a Government-wide Employment Systems Review to identify and remove systemic barriers in employment. Ministries have been implementing plans to make the government's workforce more representative of Ontario's community, especially in occupational groups where women are underrepresented.

458. The *Employment Equity Plans Regulation* of the *Police Services Act* requires Ontario's Police forces to establish mandatory employment equity policies, programs and timetables for designated groups, including women. As of 1994, at the entrance level in the Ontario Provincial Police Force, women represented 50 percent of the intake.

459. Since 1990, school boards have been required to develop and implement policies and programs to increase the representation of women in positions of principal, vice-principal and supervisory officer to at least 50 percent by the year 2000.

Article 5: Sex-role stereotyping and family education

460. See also responses to articles 2, 3, 10 and 12.

461. The Government of Ontario is committed to eliminating violence against women. In 1994, the Government of Ontario co-ordinated spending of over $99 million for programs and services ranging from shelters and sexual assault centres to improvements in the justice system and public education campaigns through the Violence Against Women Prevention Strategy.

462. December 6 has been proclaimed as a Provincial Day of Remembrance and Action on Violence Against Women. Sexual Assault Prevention Month is observed every May. The May 1992 campaign was the first in Canada to focus on the issue of consent. The campaign featured dramatic television ads shown during sports programs, as well as candid radio ads which targeted teenagers.

463. The Ministry of Education and Training funds a number of projects and initiatives related to reducing the incidence of all forms of violence against women and girls. These

include in-service training for school board staff, curriculum development on wife assault and sexual assault, and date rape prevention projects. Public education materials are now published in 28 different languages, including many Aboriginal languages. In 1992, the Ministry launched eight pilot projects to help children who witness the assault of their mothers. In-school workers provide counselling, promote family violence prevention activities and liaise with agencies to create a support network for students.

464. In 1992, the former Ministry of Colleges and Universities (now part of the Ministry of Education and Training) announced a year-long consultation with the college and university community and others, to implement a policy against harassment and discrimination on Ontario campuses. In 1991, the Ministry announced $1.45 million a year to make Ontario campuses safer for women.

465. The Ministry of Community and Social Services, through its "Better Beginnings Better Futures" initiative, funds a number of prevention demonstration projects to reduce the risks to children living in economically disadvantaged communities. These projects are based on a community development process which empowers women. The Ministry's spending on services to eliminate violence against women has increased by 39 percent since the last report. These services are intended to provide protection to victims of violence and to reduce the incidence of violence against women through counselling of the victims and children, public education and prevention strategies. The Government also supports "Batterers" programs to reduce recidivism against women.

466. The Ministry of the Solicitor General and Correctional Services funds 26 Rape Crisis Centres throughout Ontario, with seven more under development, including four francophone Centres. The Centres provide comprehensive services to women including 24 hour crisis intervention and support; hospital, police and court accompaniment; public and professional education; short and long-term group and individual counselling; information and referral services; diverse community outreach; and other services to urban and rural areas.

467. In January 1994, the Ministry released the Standards on Police Response to Wife Assault which provide guidelines for all Ontario police forces to respond to suspected cases of wife assault. The Standards were based on a model protocol that was developed after community consultations in 1992. To assist in providing in-service training for police on wife-assault, the Oxford Project: A Crisis Intervention Manual for Police Trainers was developed which supports the implementation of the standards.

468. Police training at the Ontario Police College also includes components on wife assault, sexual assault and gender sensitivity. The Ministry has developed and implemented training for correctional staff on wife abuse and the impact of sexual assault on female offenders. Staff training programs are currently being reviewed to ensure that the curriculum promotes an understanding of gender equality.

469. In 1991, the Ministry of Northern Development and Mines provided funds for a number of programs aimed at preventing wife assault and sexual assault in Northern Ontario, and assisting survivors of such assaults. These included $360,000 in operating funds for a

program to train sexual assault workers. $1,084,000 capital funding for two women's shelters in Thunder Bay, a fund to assist survivors of sexual assault and wife assault in Northern Ontario by improving the accessibility of outreach and self-help programs, and in 1992, a $35,000 grant for "Le Collectif des femmes francophones du nord-est ontarien" to host a conference in Sudbury to foster autonomy and equality for women. The Ministry also administered two programs that provide grants to assist survivors of sexual assault and wife assault.

470. The Office of Francophone Affairs reviews all Government policy proposals to ensure that the particular needs of francophone women, especially those living in Northern and rural Ontario, have been taken into account and has been involved in several interministerial initiatives which have significant implications for francophone women. The Office administers a Community Support Fund which provides grants to francophone groups, including women's groups and groups which serve women. Many of these groups work to prevent violence against women and to improve the health and economic status of francophone women.

Article 7: Political and public life

471. Amendments to the *Courts of Justice Act*, which were introduced in 1993 and came into force on February 28, 1995, made the Judicial Appointments Advisory Committee permanent. The Committee develops criteria for the selection of appointments to the Provincial Court and seeks candidates who will reflect the diversity of Ontario's population. Five of the ten Committee members are women.

472. When the Committee began to operate in 1988, only 4 percent of provincial judges were women. As a result of the Committee's recommendations, 93 judicial appointments have been made, 39 of which (42 percent) were women appointed between November 1990 and December 1993. Almost 30 percent of applicants were women. As of 1994, 45 of 260 Ontario Court (Provincial Division) judges are women.

473. Ontario's Legislative Assembly consists of 130 members, 27 of which are women. Of 27 cabinet ministers, 8 are women.

474. In 1993 and in 1994, 44 percent of school board trustees were women, a 5 percent increase since 1990.

475. The position of deputy minister is the highest position level an employee can reach in the Ontario Public Service. In 1994, nine of 25 deputy ministers are women and 45 out of 91 assistant deputy ministers are women.

476. In 1991 and 1992, 176 new postsecondary school graduates were hired under a special initiative as interns into the Ontario Public Service. Of those hired, 129 (73 percent) were women.

477. In 1991, 2,976 of 13,890 (21.4 percent) full-year, full-time university faculty were women. This represents a 1.2 percent increase over the 1989-90 figures.

478. One half of all new Crown Attorney appointees in Ontario are women.

Article 10: Education

479. See also responses to articles 5, 7, 11.1(b) and 11.1(c).

480. The Ontario Government continues to develop programs to ensure equal opportunity for women in all areas of education, especially in non-traditional fields.

481. The Ontario Women's Directorate has co-sponsored an international Gender Science and Technology Conference and, in conjunction with the Canadian Teachers' Federation, has produced a book to address how cultural and gender bias affects the academic choices and performance of female students in science and in school.

482. The Directorate has been instrumental in developing community-based role-modelling programs and it supports education equity through the development and distribution of resource materials for teachers and students. To counter sex-role stereotyping, the Directorate has produced a guide which encourages young women to consider a full range of career options.

483. The former Ministry of Colleges and Universities (now part of the Ministry of Education and Training) published and distributed two background documents on the status of women in postsecondary institutions: *Status of Women in Ontario Universities: Final Report* (two volumes) and *Status of Women in Ontario Universities: 1990-1991*.

484. The Ministry of Education and Training is piloting a project to improve the climate for women studying in trades and technology at colleges of applied arts and technology and has completed a project involving 12 universities to improve conditions for women in engineering studies. The Ministry has supported a number of projects that developed audiovisual and print materials addressing the uneasiness many women experience at colleges and universities.

485. The Ministry supports a number of women in apprenticeship programs including counselling and outreach, programs for increased enrolment to address the fact that women comprise almost 50 percent of the workforce but only 5 percent of apprenticeships, and special outreach to encourage grade 11 female students to consider apprenticeship training. The Ontario Training and Adjustment Board which oversees broad training and re-employment strategies emphasizes the full and effective participation of disadvantaged and underrepresented groups, including women, in labour force development programs and services.

486. The Ministry is a member of the Ontario Committee on Trades, Technology and Operations Occupations for Women, a province-wide committee under the aegis of the community college system.

487. The Ministry has developed a gender equity support document "Engendering Equity" to help primary and secondary schools address gender issues. It is currently being validated.

488. The Ministry also provides child-care bursaries under the Ontario Student Assistance Plan to assist students with child care costs while they attend college or university and has increased the amount of funds available for student loans.

489. As of 1993, 56 percent of all undergraduate students in Ontario were women.

490. Since the last report, the Ministry of Northern Development and Mines has provided funding to various organizations to promote education for women, including a grant to Laurentian University for the development of a midwifery program, and a program designed to expose grade eight students, especially females, to science, engineering and technology.

Article 11: Employment

491. See also responses to articles 2, 3 and 4.1.

492. In 1993, 59.5 percent of women over age 15 were in the labour force. They constituted 45.6 percent of Ontario's total labour force. Women accounted for 63 percent of labour force growth from 1981 to 1993.

493. In 1993, Ontario women who worked full-year, full-time, earned on average 71.9 percent as much as men who worked the same time: a 7 percent increase from the 1988 figures. Almost 75 percent of Ontario's working women are employed full-year, full-time.

Article 11.1(a): The right to work

494. See also responses to article 4.1.

495. The Government of Ontario believes that public policy and workplace practices must reflect the realities of work and family life and encourage workplaces in which the integration of work and family life is seen as beneficial to employers and employees. Various measures have been adopted throughout government, such as job-sharing and allowing women to work flexible hours to accommodate child care arrangements.

496. The Ontario Women's Directorate has developed materials to help Ontarians to balance work and family responsibilities and has helped to develop workplace policies through co-operative projects with unions, community groups, research institutions, advocacy groups and employers.

497. In 1994, the Directorate organized a three-day national symposium entitled "Families and The Economy: New Partnerships, New Strategies" in support of the United Nations International Year of the Family. Community advocates, practitioners, social, economic and public policy planners, trade unionists and employers worked jointly in this forum to develop collaborative strategies to reconcile and support work and family demands. The proposed actions resulting from the symposium for the various stakeholder sectors will be made available in a call for action paper.

498. Amendments to the Ontario *Labour Relations Act*, in force in 1993, make union organization easier and more effective, reduce conflict on picket lines, simplify the collective bargaining process and promote greater co-operation and partnership between employees and employers. Domestic workers are now able to organize, and part-time employees (largely women) can join the same bargaining unit as full-time employees. It is expected that women's working conditions will improve as more women become unionized.

499. In 1992, the Ontario Women's Directorate provided $85,000 to fund a project on domestic workers and industrial homeworkers. The project provides information and education for workers who do some form of piecework in their homes. In 1993, the Government announced changes to the *Employment Standards Act* to protect wages and working-conditions for homeworkers.

Article 11.1(b) and 1(c): Employment opportunities — training

500. See also responses to articles 4.1 and 10.

501. The Ministry of Skills Development had developed creative projects to introduce young women to non-traditional trades through SKILLS OK. The Ministry has also developed programs to achieve equity goals in apprenticeship.

502. JobsOntario Training is a training and employment program, with a child care component, designed for social assistance recipients and other unemployed persons who are ineligible for unemployment insurance. By the end of 1994, more than 60,000 jobs have been created for unemployed people in Ontario. More than 24,000 employers are participating in the program. This program has helped save Ontario taxpayers more than $200 million in social assistance costs since its inception.

503. The Ministry of Industry, Trade and Technology, in co-operation with the Federal Business Development Bank launched STEP UP, a mentoring program for business women. Small business women are paired up with owners of larger businesses who act as mentors.

504. The Ministry of Northern Development and Mines administers a $4.6 million Northern Training Opportunities Program which encourages employers to hire students or graduates who represent one or more of the equity groups, one of which is women.

505. In addition, the Ministry has provided grants to initiatives which included $125,000 to the Women in Community Economic Development initiative, which subsidized wages of women interns who were paired with a mentor involved in community economic development, as well as initiatives that provided entrepreneurship training and business start-up support for francophone women and youth and public education to assist women in business.

Article 11.1(d): Equal remuneration

506. On June 28, 1993, the legislature of Ontario passed amendments to the *Pay Equity Act*, implementing recommendations made in the 1989 Report of the Pay Equity Office entitled *Methods of Achieving Pay Equity in Sectors of the Economy that are Predominantly Female*. These amendments, which came into effect on July 1, 1993, will enable an additional 420,000 workers in female job classes to achieve pay equity.

507. The amendments established two new methods of job comparison: proportional value comparisons and proxy comparisons. These methods complement the job-to-job comparison enacted in the existing Act. Both new methods, like the job-to-job comparison method, require gender-neutral comparison of skill, effort and responsibility and working conditions between male and female job classes. The new methods are available where there is an insufficient number of equal or comparably valued male job classes to make direct comparisons with female job classes using the job-to-job method.

508. The Act continues to require employers to pay any necessary adjustments at a rate of one percent of payroll per year until pay equity is achieved, except for public sector employers using job-to-job or proportional value comparisons who must achieve pay equity by January 1, 1998.

509. The Government of Ontario has publicly affirmed its commitment to assist public sector employers with the cost of achieving pay equity. It anticipates that by the time pay equity is fully achieved, it will contribute $1 billion annually to pay equity adjustment costs. In 1994, the Government is spending $568 million to increase wages in some of the lowest paid women's jobs, like child care and shelter workers.

510. The Pay Equity Downpayment Program was introduced in 1993. It provides a "downpayment" or advance on pay equity adjustments using the proxy comparison method. The program is targeted to reach some of the lowest-paid female workers in the broader public sector.

511. The Pay Equity Commission continues to assist employers, employees and bargaining agents with implementing and resolving disputes concerning pay equity. The Commission has two parts: The Pay Equity Office and the Pay Equity Hearings Tribunal.

512. The Pay Equity Advocacy and Legal Services Clinic provides free legal information, advocacy and advice, primarily to unorganized women, regarding pay equity. The Clinic also offers public education and outreach.

Article 11.1(e): Pensions and income support

513. A Fair Tax Commission was established to review a broad range of tax issues including women and taxation and low-income issues. The report was completed in December 1993. The provincial taxes of low income Ontarians, many of whom are single mothers, were reduced or eliminated for the 1991 taxation year.

514. The Ministry of Community and Social Services has implemented strategies to eliminate inequities in the treatment of people who seek social assistance services. The Ministry grants social assistance for three months or more to battered women who have fled home and who are in need; it has removed the waiting period before single parents (primarily women) become eligible for family benefits; and has it revised the calculation of the deduction for child care expenses under the Supports to Employment Program to ensure that the full value of the deduction is realized.

Article 11.1(f): Working conditions

515. See also responses to articles 2 and 3.

516. Since the last report, the minimum wage in Ontario has increased from $5.40 to $6.70 an hour (the highest in North America). This has had a significant impact on the livelihood of many women as 61 percent of Ontario minimum wage earners are women.

517. Policies protecting women from discrimination in the Ontario Public Service have been in effect since 1985. In 1991, the Government of Ontario initiated a comprehensive Workplace Harassment and Discrimination Policy to protect all government employees from harassment and discrimination by co-workers. The program established procedures for redressing discrimination and harassment against women as well as other designated groups. The Government also provides extensive training to staff on workplace discrimination and harassment prevention.

Article 11.2(a) and 2(b): Maternity, pregnancy and paternal leave

518. See also responses to article 11.1(a).

519. The Government of Ontario enhanced pregnancy and paternal leave in 1991. The legislation now gives mothers a right to take up to 35 weeks of unpaid leave, and fathers the right to take up to 18 weeks of unpaid leave, with the right to return to their jobs. The legislation also applies to adoptive parents. All employees are entitled to pregnancy or paternal leave after being employed for 13 weeks, as opposed to 52 weeks previously.

520. A monetary supplement for parental leave, available to both women and men, has been introduced for employees in the Ontario Public Service.

Article 11.2(c): Child care

521. See also responses to article 11.1(a).

522. Public consultations were carried out on Ontario's Child Care Reform legislation in 1992. The Government is working to provide affordable yet flexible services, to support more parent participation, to provide options for funding, standards, licensing, and service planning, and to promote quality care by improving training and salaries.

523. Since the last report, the Government of Ontario has increased provincial funding for child care by 49 percent, to $544.6 million. Wage subsidy funding to child care staff has increased by 85 percent since 1991 to $114 million per year.

524. The Minister of Community and Social Services announced $5 million in capital funding to create 400 child care spaces on Indian reserves, non-profit child-care centres in Ontario receive an extra $2,000 for each staff member from the Government. This increases the pay of caregivers (most of whom are women) while maintaining affordability for families. The Government of Ontario encourages the conversion of private commercial centres to parent-controlled, non-profit boards. Over 300 centres are expected to be converted over the next five years.

525. All new job creation programs must now include a child care component. The jobsOntario Training Fund has provided 10,000 new child care spaces for participants (a 20 percent increase in the number of subsidized spaces) and has made a $44 million commitment to build 2,500 more. Funds have also been set aside to construct and repair child care centres.

526. In 1991, the Ministry of Northern Development and Mines provided $5,284,000 capital funding for renovations and construction of child care centres throughout Northern Ontario. In addition, $225,000 was spent to operate a program to train child care workers.

Article 12: Health

527. See also responses to articles 2, 3 and 5.

528. The Ontario Women's Directorate co-ordinates the Female Genital Mutilation Task Force which is co-chaired by government and community representatives. The mandate of the Task Force is to develop and implement policies to eradicate the practice of female genital mutilation and to promote community development initiatives to support women and girls affected by the practice.

529. In *Attorney General of Ontario v. Dieleman et al.*, the Ontario Court (General Division) granted an interlocutory injunction which prevents harassment and intimidation of abortion patients and providers and their families at certain doctors' homes and offices, and at three abortion clinics in Ontario. The Attorney General is bringing the action for a permanent injunction and damages in the public interest to protect the safety and privacy of patients and providers and to ensure continuing access to abortion services.

530. The *Independent Health Facilities Act* licenses free standing women's clinics which provide for the delivery of therapeutic abortions. In February 1994, the establishment of a new free-standing clinic in Ottawa was announced, as was a program to train physicians in the delivery of abortion services, funded by the Ministry of Health. The Government also provides full funding for 5 free-standing abortion clinics, including $420,000 over the last two years to improve security. Amendments have been made to the Northern Health Travel Grants Program to help cover abortion-related costs for women in remote areas.

531. The *Regulated Health Professions Act* was proclaimed in December 1993, making Ontario the first province in Canada to have registered midwives. The legislation is also historic as it recognizes traditional Aboriginal midwifery. Three Ontario institutions began to offer the first year of a four-year midwifery program, in September 1993. Three communities, Toronto, Sudbury and St. Jacob's, will have out-of-hospital birthing centres, the first of which is expected to be licensed by December 1994. In addition, the Ministry of Health and Nee-Gan O'Chee Community Services Inc. will be exploring how to meet the birthing needs of Fort Albany, a mainly Aboriginal community on James Bay.

532. The *Regulated Health Professions Amendment Act* was also proclaimed in December 1993. The purpose of this important health legislation is to eradicate sexual abuse of patients, often women and children, by members of regulated health professions. The legislation provides for funding for therapy and counselling of patients who have been sexually abused and requires mandatory reporting of sexual abuse of patients by regulated health professionals.

533. In July 1991, the Ministry of Health released a report entitled *Cesarean Birth: A Quality Assurance Program to Increase the Appropriate Use of Cesarean Birth.* An advisory group of the Ontario Medical Association/Ministry of Health Joint Management Committee, together with the Institute of Clinical Evaluation Sciences is developing a quality assurance program to reduce the inappropriate use of cesarean sections. The rate of cesarean sections in Ontario has dropped from 20.2 percent in 1989 to 18 percent in 1992-93.

534. In 1994, the Women's Health Bureau began to work with an advisory group of physicians, advocates and consumers to develop a patient education program for women on menopause.

535. Following the release by the federal government of the Final Report of the Royal Commission on New Reproductive Technologies in November 1993, the Ontario Government has re-established an Interministerial Committee on New Reproductive Technologies to review the recommendations of the Commission's Report and prepare a Government policy response.

536. In 1993, a Women's Mental Health Working Group was established. The mandate of the group is to ensure that women's mental health concerns are addressed in the implementation phase of the Mental Health Reform and to develop guidelines on women's mental health needs for the District Health Council's regional planning initiatives.

537. As announced in the third report, the Ontario Government has launched an initiative to address the issue of sexual assault of women. The Government now provides funding to 39 counselling services for adult women who are survivors of sexual assault and to Sexual Assault Treatment Centres in 27 hospitals and 12 satellite sites across the province. The Wife Assault and Sexual Assault Grants Program for the Education of Health Care Professionals provides money to help health care professionals treat survivors of wife assault and sexual assault.

538. In 1992, the Government of Ontario announced $900,000 in funding for 82 new programs to sensitize health professionals to the needs of battered and sexually assaulted

women. Funded projects included workshops focusing on the special needs of lesbian, rural, minority, immigrant, and Aboriginal women.

539. As part of a comprehensive strategy to address the health needs of refugee women, immigrant women and women of colour, the Ministry of Health established a grants program in 1993-1994. A fund of more than $650,000 is available for community-developed and community-delivered projects to eliminate barriers to access in the health-care system.

540. The Ministry of Health, the Ontario Hospital Association and the Ontario Anti-Racism Secretariat are developing a model for anti-racism organizational change to be used in Ontario hospitals. Self-assessment, communication and education tools and prototype policies and procedures will be developed as part of this project. This will benefit the largely female workforce in the health system as well as patients.

541. Since the last report, the Ministry of Northern Development and Mines has provided grants to various women's health organizations, including a $50,000 grant to the Ontario Native Women's Association in 1992, for a feasibility study concerning the development of a Healing Lodge in Thunder Bay.

Article 13: Family benefits, credits and sports

542. See also responses to articles 5 and 16.

543. In 1994, the Ministry of Culture, Tourism and Recreation introduced a provincial policy entitled "Full and Fair Access for Women and Girls in Sport and Physical Activity". The policy and its implementation steps are designed to provide women and girls in Ontario a full range of opportunities to participate, compete and lead in the field of sport and physical recreation.

544. In keeping with this policy, the Ministry has altered its funding for local government and community recreation projects to allow for increased funding for projects intended to benefit women and girls. In addition, this program will be altered to make recreation-related anti-sexual harassment initiatives of local government and community not-for-profit organizations eligible for government funding. Provincial sport and recreation organizations will also be encouraged to submit plans in support of this policy, with their annual funding applications. Two guidebooks, entitled "Walking the Talk" and "Level the Playing Field", will be distributed to sport and recreation leaders throughout the province of Ontario, to help address gender issues.

545. In relation to accommodation, the Government of Ontario is committed to providing non-profit housing to people who need it most, such as single mothers and women who have recently left a violent relationship. The Ministry of Housing has worked closely with the Ontario Housing Corporation to increase community economic development projects for its residents. Many of the residents in Ontario Housing Corporation units are single mothers. Among the projects being explored are building management/administration, business support

programs (e.g. typing, data entry, delivery of services, teaching adult remedial literacy and numeracy, food co-operative, food catering, and child care and day care services).

546. The Ministry has implemented a policy to give specific priority for government subsidized housing to women who have been assaulted or threatened by an abusive partner. The policy recognizes that women in this situation urgently need safe and affordable housing.

547. The Ministry has worked closely with stakeholders in the arts and business communities to develop a package of possible changes to the Ontario Building Code that would make it easier to run a business from a live/work setting. These proposed changes are expected to form part of the next Ontario Building Code amendments.

548. Under the jobsOntario Housing program, 20,000 new homes are to be created. Legislation also allows homeowners to create an apartment in each of their houses as long as they meet all necessary safety standards. This legislation will increase the supply of affordable housing.

Article 14: Rural women

549. See also responses to articles 2, 3, 5, 11.2(c) and 12.

550. In 1992, the Government of Ontario committed $1.1 million to stabilize the funding of 56 Community Information Centres throughout the province. These Centres are grass-roots organizations that provide information and referrals. It is estimated that more than one third of all Ontario women use these services.

551. The Ministry of Agriculture and Food and Rural Affairs works closely with farm and rural women to address their needs and to supply funding for programs. This is done predominantly through two provincial organizations: Ontario Farm Women's Network and Federated Women's Institutes of Ontario. Examples of initiatives funded include a provincial meeting which explored ways to build support for community action around the issue of rural domestic violence; a provincial conference which addressed rural child care; a weekend seminar on human resources which examined the contribution of all family members and effective communication; and a provincial conference for women and economic development which resulted in a number of pilot projects to set up regional networks and to provide training programs for women and rural entrepreneurs.

552. The Ministry's 1991 Enhanced Counselling Emergency Program provided one-time assistance to rural organizations to provide farm families with counselling and support services. The 1993 Enhanced Professional Counselling program provided stress counselling to farm families in financial difficulties.

553. The Ministry has produced a video entitled *Above Suspicion*, which is aimed at helping to explain and develop support for the screening process for candidates who wish to become volunteer leaders. The video also provides guidance on acceptable conduct and how to avoid

discriminatory conduct. In its television programs, the Ministry takes care to ensure that both women and men are shown in various farm business roles to avoid stereotyping of women.

Article 15: Equality before the law

554. See also responses to articles 2, 3 and 5.

555. The Government of Ontario has implemented a "gender neutral" drafting policy. With the completion of the Revised Statutes of Ontario, 1990, all current general statutes and regulations are in gender-neutral language.

556. The Government provides free interpreter services for victims of assault in criminal and civil cases. The Ontario Legal Aid Plan provides two hours of free legal advice to women who have been assaulted.

557. Amendments to the *Courts of Justice Act* will ensure better access to the legal system by providing information on the system and on how the public can make complaints and by enacting judicial training and evaluation provisions.

558. The Ministry of the Solicitor General and Correctional Services continues to operate police-community victim assistance services through the Victim Crisis Assistance and Referral Service, funded primarily by the Wife Assault and Sexual Assault Prevention Initiatives. Alternate community co-sponsorship models of service are being explored and a pilot project involving an Aboriginal co-sponsoring organization is being implemented.

559. The Ministry currently operates eleven Victims of Violence Programs for women victims/survivors of abuse in provincial correctional institutions. The Ministry has established a task force, with joint community and ministry representation, to develop long-term policy to meet the diverse needs of women in the provincial correctional system and action plans to address the policy direction.

560. The Government of Ontario is implementing programs to address the needs of former residents of a training school for girls who have alleged abuse while at the school. The programs include victim/witness assistance, counselling services, financial support and vocational opportunities.

561. In 1991, the Attorney General directed Crown Attorneys to oppose attempts to make a victim's sexual history admissible evidence in sexual assault trials.

562. The Ministry of the Attorney General has prepared and distributed a Crown Policy Manual which includes guidelines and directives to Crown Attorneys for prosecutions for sexual and spousal assault. The Ministry has designated at least one Crown Attorney in each office to be a co-ordinator for wife assault, sexual assault or child abuse prosecutions. These Crown Attorneys receive training in the social, psychological as well as the legal issues associated with these cases.

563. The Ministry has also established the Victim/Witness Assistance Program, in 13 Crown Attorney offices. The Program provides information and support to victims and witnesses, community co-ordination and public education. Priority is given to cases involving wife assault, sexual assault, child abuse, and other vulnerable victim populations such as the elderly, disabled, Aboriginal, immigrant and visible minorities.

564. The Ministry and the Law Society of Upper Canada are developing pilot projects in the area of family law legal aid to improve access to justice for all Ontarians, particularly women.

Article 16: Family relations

565. See also responses to articles 2, 3, 5 and 11.1(a).

566. The Family Support Plan (formerly the Support and Custody Orders Enforcement Program) continues to monitor and enforce court orders for spousal and child support as well as custody orders.

567. The *Family Support Plan Act*, enacted in March 1992, superseding the *Support and Custody Orders Enforcement Act*, provides for automatic deduction of support payments from the payor's (debtor's) income source (usually the employer) at the same time a court order is made. As well, any support orders made prior to March 1, 1992, or any domestic contracts for support, including paternity agreements are subject to the new legislation.

568. The Family Support Plan has a caseload of over 127,000. The caseload increases by approximately 1,200 new cases each month. Prior to the new legislation, only 40 percent of cases were receiving regular support payments. However, 70 percent of cases with automatic wage deduction under the new law are receiving regular support payments. Ninety-seven percent of all recipients filed with the Plan are women.

569. In 1991, the Ministry of the Attorney General announced a pilot project which provides provincial funding for supervised access services which are necessary when a court orders that a non-custodial parent's access to his or her children must be supervised. As of 1993, 14 centres, run by local community boards provided safer environments for non-custodial parents to meet with their children.

7. MANITOBA

Introduction

570. This report will update, to March 1994, the information contained in Manitoba's submission to Canada's Third Report on the Convention.

Article 2: Measures to eliminate discrimination against women

571. The Manitoba Human Rights Commission administers and enforces *The Human Rights Code*, 1987. The Code specifically protects against discrimination on the basis of ancestry, nationality/national origin, ethnic background/origin, religion, age, sex (including pregnancy), gender-determined characteristics, sexual orientation, marital/family status, source of income, political belief, and physical or mental disability.

572. Discrimination on the basis of sex was the most frequently cited ground of complaints filed in the years 1991 through 1993. It comprised 30 percent of all formal complaints filed in 1991, 31 percent in 1992, and 34 percent of those filed in 1993. In 1993, 58 percent (29 cases) of sex discrimination complaints were allegations of sexual harassment. Except for one, the complainants were all women.

573. In 1993, the Manitoba Human Rights Commission published and distributed a new brochure on sexual harassment. It explains the rights of individuals and the responsibilities of employers and others. The Commission responds to numerous requests from business and service organizations for seminars on sexual harassment, and assists with the development and implementation of workplace sexual harassment policies.

574. In December 1989, the Manitoba Civil Service adopted a policy on sexual harassment. It has since implemented corresponding training. The staff of the Employee Assistance Program also provide counselling and support to employees affected by incidents of sexual harassment.

575. The Manitoba Legislature enacted *The Homesteads Act* and amendments to *The Marital Property Act* in 1992. This legislation was proclaimed in force in 1993. It implemented the concept of deferred property sharing upon the death of one spouse. It repealed *The Dower Act*, and replaced the "fixed share" scheme previously in place under that legislation. (*The Dower Act* had permitted partial avoidance of property sharing by means of payment of a lump sum or an annuity, or a combination of the two, to the surviving spouse.)

576. These enactments primarily benefited women, who constitute the majority of surviving spouses. They continued the process of reform that began with the enactment of other statues, such as *The Intestate Succession Act* in 1989. This Act also benefited women by implementing the "all to spouse" rule in cases of the death of a spouse without a will. Under

this rule, the surviving spouse takes the entire estate, unless there are children of a previous marriage of the deceased spouse.

Article 3: Measures to ensure the advancement of women

577. The Manitoba Department of Justice was active in lobbying the Government of Canada to incorporate anti-stalking amendments to the *Criminal Code*. The Manitoba Legislature also amended *The Family Maintenance Act* in 1993 to provide a mechanism for easy attainment of non-molestation orders.

578. The Family Violence Court has been successful in responding to domestic violence. Since its establishment in 1990, independent evaluations have confirmed that it is functioning well and responding effectively to situations of women caught in the cycle of violence in a partnership setting.

579. The Department of Justice commissioned the *Domestic Violence Review into the Administration of Justice in Manitoba* (the Pedlar Report), which was completed in August of 1991. This report has been useful in addressing domestic violence issues in Manitoba.

580. The Manitoba Department of Education and Training has addressed recommendations contained in the Pedlar Report. These include developing and distributing a document entitled *Violence Prevention in Daily Life and Relationships* to all grade five to eight schools in the province in 1993; promoting ongoing use of a curriculum support document entitled *Violence Against Women: Learning Activities to Prevent Violence Against Women* (1991) for the high school level; adding a resource document entitled *Toward Healthy Relationships* to the Manitoba Text Book Bureau Catalogue (developed by the Brandon Y.W.C.A. and a women's shelter, with the support of the Department of Education and Training); assisting schools in implementing traditional Aboriginal healing circles and consensus building strategies to address violence and conflict amongst students; and co-sponsoring with the Business and Professional Women's Club of Winnipeg, a workshop for educators on conducting women's safety audits (May 1994).

581. The Department of Education and Training has adopted some additional initiatives aimed at the elimination of violence in the elementary and secondary levels of schools. It has provided funding support to school divisions to provide violence prevention intervention programs. It has used mandatory curricula in health to provide a vehicle for teaching kindergarten to senior level-two students about domestic violence. Within the health curricula, there is also discussion about self-respect and respect for others, the responsibility to self and others, and exploration of the facts and misconceptions about alcohol and other drugs. In the responsible sexual behaviour unit, there is attention to personal safety assertiveness.

582. Family life units for grades five, seven and nine feature positive family relationships/responsibilities, and individual personal safety. A lesson at the senior level one deals with the prevention of sexual assault in the context of "date rape". Although family life units are optional, most school divisions in Manitoba offer them. From 1989 to 1994, the

Department of Education and Training has conducted more than 80 regional workshops to train over 3,000 teachers of family life units.

583. The Department of Education and Training has developed a response unit of psychologists and social workers to provide support and assistance to schools and school divisions where an incidence of violence and/or death has occurred.

584. In 1993, the Department of Education and Training established a Violence Prevention Team to co-ordinate the department's violence prevention and intervention strategies and activities for the kindergarten to senior level four sector. The team is responsible for developing an integrated model for violence prevention and intervention. Planned elements of the strategy include establishing a collaborative network of community agencies, police services and government ministries, and providing supportive resource materials and staff development training to key school personnel.

585. As of 1991, family violence services included 29 community-based agencies throughout Manitoba. Services in Winnipeg (the largest urban centre in the province) included second-stage housing, and long-term counselling for both Aboriginal and non-Aboriginal victims of abuse, their children, and abusers.

586. Other family violence services include women's resource centres and long-term counselling for incest victims who have had addiction problems. Services throughout the province include crisis accommodation, counselling, public education, and crisis telephone lines. It is estimated that 2,700 women sought shelter in the 1992-93 fiscal year.

587. As of 1994, there are 10 crisis shelters for victims of wife abuse situated in nine communities throughout Manitoba. These operate under the Federal-Provincial Public Non-Profit Special Purpose Housing Program. The Department of Housing of Manitoba has assumed all housing-related management functions for these shelters as of April 1993. Minimum building standards for crisis shelters have been developed and are applied in the development of new shelters.

588. In 1993, the Manitoba Department of Housing developed a priority placement policy for victims of domestic violence. This policy departs from the usual tenant selection procedure for available public housing units, and provides first access to persons whose safety is in jeopardy from an abusive partner and who may not be able to afford private rental accommodations. This special priority status is available to any abused person regardless of family size, marital status, or current living arrangement.

589. The 1991 census of Canada indicates that 82.6 percent (30,880) of single-parent families in Manitoba were led by women. As of January 1993, single-parents who move from provincial social assistance to employment may continue to receive coverage for their basic dental, optical and pharmaceutical expenses for up to one year. This benefit is intended to assist these recipients in the transition from social assistance to work.

590. The social assistance regulations were also amended to exempt some additional financial resources from consideration in the calculation of social assistance benefits for the family. In June 1991, the first $25,000 of assets held in trust for a child from compensation for a personal injury, the loss of a parent, or an inheritance from a parent, was exempted. In January 1993, the federal Child Tax Benefit (including the new Earned Income Supplement) was exempted. In addition, the exemption on liquid assets was significantly increased in March 1992 (for example, from $1200 to $2500 for a single parent with two children).

591. The Department of Housing has a number of policies recognizing the need to support women who are tenants in public housing and active in the workforce, including those that are heads of households. These include a number of deductions from income when calculating rental rates for housing, such as the first $1000 of earnings for a spouse who is employed, automatically applying the $1000 deduction to income where the head of the household is a single-parent (primarily mother-led families) and deducting family allowance payments made to mothers.

592. The "head of household" policy of the Social Allowances Program was changed in September 1992 to allow couples applying for assistance to have their eligibility based on either adult. Eligibility for the family is no longer automatically based on the circumstances of the adult male. This change allows a couple with a female disabled spouse to access the higher benefits provided to disabled applicants.

Article 4: Temporary special measures

593. The Executive Development Program for Women in the Civil Service aims to increase the number of women in senior management, which in March 1993 was 22.83 percent of the Manitoba Government senior management job category. This program is available to approximately 450 women.

594. As of September 1993, women comprised 49.32 percent of the Civil Service workforce. During the fiscal year 1992-93, 63 percent of new appointments and of appointments from bulletined competitions were filled by women. In that same time period, 63.8 percent of promotions within the Civil Service went to women. Women also comprised 21.32 percent of applicants to competitions for male-dominated classifications, and were successful in 37.5 percent of these competitions.

Article 5: Sex-role stereotyping and family education

595. The Manitoba Women's Directorate, in collaboration with the Women's Health Branch of the Manitoba Department of Health, produced a poster series entitled "Girls Can, Boys Can", aimed at eliminating gender stereotyping at a young age. Posters were distributed to primary schools across the province. The Women's Directorate is a member of the Federal/Provincial/Territorial Working Group on Education and Training. The Working Group commissioned a paper on gender socialization that was released at the 1993 meeting of Status of Women ministers.

596. The Department of Education and Training has expanded the home economics program at the senior level to include infant development centres. These provide adolescent parents with information on parenting and survival skills. Also, the Family Studies Programs for senior two to senior four levels examine human development, child development, family relationships, and parenting and gender roles.

597. The Department of Education and Training has developed support materials that present strong female role models and counter negative stereotypes about Aboriginal women. These support materials include *In Search of Beatrice Culleton* and *Native Women and Their Careers*.

Article 6: Prostitution

598. Manitoba was instrumental in having the law relating to prostitution in Canada clarified by virtue of its appeal to the Supreme Court of *R. v. Butler* (1992) 1 S.C.R. 452.

Article 7: Women in politics and public life

599. Of Manitoba's 80 full-time judges, 10 are women. The Chief Judge of the Provincial Court is a woman.

600. Women hold 12 of the 57 seats in the Manitoba Legislature. Of 17 cabinet minister positions, three are held by women. There is one female deputy-minister of a total of 23.

601. Women hold three of the 15 Winnipeg City councillor positions. The Mayor of Winnipeg is a woman.

602. Two of the three community college presidents in Manitoba are women.

Article 10: Education

603. The Manitoba Human Rights Commission distributed its guidebook entitled *Human Rights in the School: Guidelines for Educators, Students, Parents and other School Participants* to every school and school superintendent in the province in 1992-93. Commission staff have been actively promoting its use. One subsection of the guidebook addresses the issue of gender equality.

604. The Human Rights Commission's publication *Inventory of Human Rights Teaching Materials* was distributed to every school in Manitoba in 1990. Included is a listing of resources on the topic of discrimination based on sex/gender.

605. In April 1994, the Department of Education and Training distributed a directory of innovative programs and resources aimed at improving the condition of girls in maths/sciences. This directory, *Expanding Choices*, was provided to all school divisions. (It was produced by the Nova Scotia Women's Directorate.)

606. The Department of Education and Training has initiated the development of a source book for teachers about fair portrayal of persons of visible minorities. It also focuses on the fair portrayal of women of visible minorities in gender equity situations. Development is expected to be completed in September 1994.

607. All textbook and support materials from kindergarten to senior four level are screened on an ongoing basis through materials selection procedures that are based on the three-stage Canadian Exchange of Instructional Materials Analysis model. Non-sexist language is one of the many criteria used in the process. Other criteria include: age, race, ethnicity, religion, handicap, socio-economic status, political beliefs and tolerance.

608. Curriculum assessment and examination committees screen kindergarten to senior four level items and questions on an ongoing basis for racial and sexual bias.

609. Forty-two percent of community college day enrolments in the 1992-93 school year were women. In 1991-92, women comprised 57 percent of full-time program career enrolments in Manitoba community colleges, primarily because of high enrolment in health and social service programs.

610. In January 1990, a sexual harassment policy was implemented to address sexual harassment involving post-secondary students. Gender-inclusive guidelines are also currently being piloted within Red River Community College to ensure that all community college publications, learning materials, and evaluation procedures and materials are free from sexist language and sex-stereotyping. Where learning materials that include sexist language are valued for their specific course content or portrayals but cannot be replaced, attention is focused on the bias, to create a new gender-inclusive awareness in the classroom.

611. The Student Financial Assistance Program of Manitoba administers the Study Assistance for Social Allowance Recipients Program. This program provides student loans to cover educational costs to single-parents in receipt of social assistance who wish to pursue post-secondary education as they continue to receive social assistance. More than 80 percent of single-parents in Manitoba are women.

612. Manitoba provides funds for community-based, learner-centered adult literacy programs. The programs operate on a part-time basis in the day and evening, and provide transportation and day care where necessary to allow adults to attend classes. This makes it possible for women with work and family responsibilities to attend programs. In 1993-94, 608 women participated in the 32 community-based programs, representing 56 percent of total participants.

613. The Manitoba Department of Culture, Heritage and Citizenship delivers Community Based Language Training that provides learner-centered English as a second language training in a supportive community environment for women who are at home caring for their children, and for seniors (mostly women). It also provides a Workplace Language Training Program that offers opportunities for employed women who are without other avenues for English as a

second language competency to learn the language requirements of their workplace, thereby reducing their dependency and vulnerability.

614. Since January 1991, the University of Winnipeg has implemented several programs or policies which have reduced or eliminated forms of discrimination against women. These include: Maternity/Adoption Leave Policy (1991) which supplements unemployment insurance, maternity and adoption leave benefits; Sexual Harassment Policy (1991) and the establishment of the sexual harassment officer position; Staff Development Program for Support Staff (1992) which provides for leave of absence with pay for staff to improve their qualification and obtain additional training; Tuition Waiver/Tuition Reimbursement Policy (1991) which has been used by many women to complete undergraduate degree programs on a part-time basis while working full time; and Training and Development Policy for Support Staff (1991), a comprehensive training policy and funding incentive program which encourages training and development opportunities for employees and has mainly benefited women.

615. Changes to the collective agreement between the University of Winnipeg and its employee groups have benefited women. These include changes to the seniority provisions which now allow seniority to accrue during maternity/adoption leave (1991); changes to the parental leave provisions to allow for 17 weeks of parental leave following maternity leave (1991); participation by management and the union in work experience programs designed to introduce or reintroduce women into the workforce (1991); compassionate/ emergency leave that grants time off as a right to employees needing same to look after family members (1992); and job sharing arrangements that have opened up opportunities for mothers of young children (1992).

616. Brandon University has implemented "Positive Action to Improve the Status of Women" in its collective agreement with its faculty association.

617. The Collège Universitaire de Saint-Boniface created the position of Special Student Services Co-ordinator in 1991. Actions undertaken by the co-ordinator have included orientation sessions for women at the beginning of each academic year, a series of ten workshops for women students on the topic of self-esteem (1993-94), and a women's committee established in conjunction with the faculty association to provide support to women students and staff, and to promote women's rights and equalities.

618. The President of the University of Manitoba has established a Women's Secretariat. The Secretariat has produced a booklet entitled *U. of M. Women's Guide to University Resources*. The University of Manitoba approved a statement on discrimination policy in December 1991.

619. The University of Manitoba implemented pay equity, with adjustments to salaries of female support staff taking place between 1988 and 1991 inclusive. On the recommendation of a joint committee of management and faculty association, salary adjustments to female academic staff salaries were implemented in 1991.

Article 11: Employment

620. The Department of Family Services budget for child day care has increased in the fiscal years ending in 1991, 1992, 1993, and 1994 by 3 percent, 2 percent, 6 percent, and 1.5 percent respectively. Child day care enhancements over that same time included salary enhancement and maintenance grant increases; subsidized daily fee increases; an increase of 3,250 in the number of subsidized children; expansion of the income level eligibility for partial subsidies; an additional 1,865 licensed spaces; the establishment of the Working Group on Francophone Day Care; an increase to the budget for the Children with Disabilities Program; and provision of a guaranteed fee payment to private day care centres. In the 1992-93 fiscal year, there were 742 provincially-funded child care centres and homes, with a total of 13,923 child care spaces. There were an additional 5,192 spaces in non-profit and private centres, a portion of which were partially funded.

621. In response to an external audit of Manitoba's civil service classification system recruitment and selection practises, the government has implemented a number of recommendations to improve equitable access to government employment opportunities. For example, research was conducted and training provided regarding barrier-free job bulletins.

622. The Apprenticeship Branch has appointed a woman representing Manitoba Women in Trades and Technology to the Apprenticeship and Trades Qualification Board. All field officers of the Apprenticeship Branch are responsible for the promotion of women in trades and technology. Three of its 12 officers are women. The Branch has also established special recognition awards to be given annually to the first woman graduate in each trade.

Article 12: Health care

623. The Department of Health has designated women's health as a priority area for policy and program development. Two key principles of its health care reform are informed choice and the delivery of health care services as close to home as possible.

624. The Antenatal Home Care Program, which initially cared for women with pregnancy induced hypertension, was expanded in 1991 to include care for women with additional high-risk conditions. This home care program results in less disruption to family life, and provides an opportunity for high-risk pregnant women to participate in their own health care to a greater extent than is possible in hospital.

625. The Department of Health participated in the development of the federal/provincial/territorial report *Working Together for Women's Health* (April 1990) and its subsequent distribution.

626. Postpartum Guidelines were developed in 1992 to provide a framework for the provision of care for women and families in the transition from hospital to home following childbirth.

627. Grant funding is provided to community agencies for cross-cultural reproductive health education to immigrant women and their families.

628. The Department of Health has been involved in the establishment of a community-based organization to educate women about AIDS.

629. The Department of Health co-ordinates the "Nobody's Perfect" education program for parents of children from birth to age five. Since 1991, the Department of Health has been responsible for facilitator training. The program targets young, single, low-income, socially or geographically isolated parents or parents with limited formal education, and provides accurate information on their children's health, safety, development and behaviour.

630. Funding has been provided for a three-year Integrated Service Delivery Demonstration Project directed to female street prostitutes. Project goals include identifying and reducing health-related problems for young women and girls who prostitute, or who are at risk of prostitution.

631. Other initiatives of the Department of Health include the development of a fact sheet on osteoporosis, conversion to audio-tape of its resources on menopause and perinatal loss, and the provision of funding for a resource, in comic-book format, for at-risk teens, on birth control, sexually-transmitted diseases and single-parenting.

632. Treatment services for women with addictions has been expanded to include gambling addictions. These treatments include both residential and non-residential options.

Article 13: Economic and social life

633. The Manitoba Department of Industry, Trade and Tourism has a Business Development Consultant available to provide informational, counselling and training services through the Women's Entrepreneurial Initiative. A new plan-of-action was developed in 1993, and is being implemented. Its objective is to foster the success of women in developing and expanding businesses. Its initiative integrates entrepreneurial education and training, access to start-up and expansion capital, and expert advice for support.

634. The Manitoba Sports Directorate provides funding to a number of organizations involved in promoting women's activity and sport. These include the Canadian Women's Volleyball Team, which is currently based in Winnipeg, and the Manitoba Sports Federation. The latter has struck a committee to review issues relevant to women in sport.

Article 14: Women in rural areas

635. The Women's Directorate has outreach staff in Portage la Prairie and Thompson. Outreach staff act as a source of information, referral and support services to women's groups and individual women throughout the province.

636. A toll-free women's information line has been established to provide women from any part of Manitoba with easily accessible information on government and community programs and services.

637. The Women's Directorate, in partnership with the Manitoba Women's Institute, the Department of Agriculture, and the Department of Family Services, has established a pilot project for a rural child care registry. The objective of the registry is to provide access to flexible and affordable child care for rural Manitobans, particularly farm families. Pilot projects began in the fall of 1992 and are fully operational in nine communities throughout Manitoba. The project is currently under evaluation by the Human Ecology Department at the University of Manitoba.

638. Through Manitoba's Business Start Program, qualified entrepreneurs can receive a loan guarantee of up to $10,000 through participating financial institutions, to help in the start-up of a business. Approximately 60 percent of the loan funds are targeted at businesses started by women and rural entrepreneurs.

Article 16: Women and the family

639. The Manitoba Human Rights Commission proceeded with its appeal to the Manitoba Court of Appeal in the case of *Vogel and North v. Government of Manitoba*. The decision is expected in the spring of 1995. This case involves the issue of whether denying spousal benefits to same-sex partners under the Government of Manitoba's spousal benefit plan is discrimination based on sexual orientation, marital and family status, and sex. The outcome of this case will affect women in same-sex spousal relationships and their families. (Earlier decisions of the adjudicator (1991) and the Court of Queens Bench (1992) held that this was not discriminatory).

8. SASKATCHEWAN

640. This will update to June 1994, the information contained in Canada's third report on the Convention.

Article 2: Legislation

641. *The Family Maintenance Act*, enacted in 1990, removed fault provisions so that payment of maintenance is to be determined on the basis of need and ability to pay. New provisions included a maintenance obligation between common law spouses.

642. *The Saskatchewan Human Rights Code* was amended in 1993 to add protection from discrimination on the basis of sexual orientation, family status and receipt of public assistance (welfare). The amendments apply to situations involving employment, housing and the provision of public services.

643. As a result of changes made in 1993 to *The Limitation of Actions Act*, there is no longer a limitation period for bringing civil action for trespass to the person, assault or battery where the cause of action is based on sexual misconduct or where at the time of injury the plaintiff was in a relationship of financial, emotional or physical dependency with the defendant.

644. Changes to *The Victims of Crime Act* extend the limitation period for making a claim against the Victims Fund as a result of a sexual offence or non-sexual assault. No action is necessary until the victim is able to understand the nature of the injuries and recognize the effects of the misconduct. The Victims Fund provides financial support for programs and services for victims of crime, and for research and education in the areas of crime prevention and early intervention.

645. Common law partners now have the right to sue if their spouse is killed. An amendment to *The Fatal Accidents Act* extends the right to sue the person responsible for the death. Previously, only legally married spouses, as well as children, grandchildren, parents and grandparents had the right to take legal action.

646. *The Victims of Domestic Violence Act*, yet to be proclaimed, establishes emergency judicial orders, available in domestic violence situations, allowing the abused party, usually the woman, to remain in the family home and requiring the abuser to leave. Orders are available to ensure that an abused party can obtain access to personal effects following an abusive incident. Further remedies are available for the abused party following a domestic violence incident. The legislation also allows authorities to obtain warrant to enter the home to investigate allegations of abuse.

647. A province-wide Family Law Division, Court of Queen's Bench, is being created with support services to ensure that family breakdown matters are more sensitively and responsibly dealt with by the justice system. As family breakdown is a time of significant emotional,

physical and financial hardship to women and children, these services should help to lessen these effects.

648. There are also amendments, soon to be proclaimed, to *The Labour Standards Act* relevant to this convention. Part-time workers in larger firms will receive the benefits available to full-time employees, in proportion to the hours worked. Employers will also be required to provide employees with weekly work schedules and a week's notice of changes in their schedules. The Act will require the payment of public holiday pay for all employees in proportion to the number of hours worked. These changes will benefit the great number of women who work part-time. Maternity, paternity and adoption leaves are available to allow parents to care for their children. Changes to the Act will increase the six weeks (unpaid) parental leave to 12 weeks.

649. *The Women's Affairs Act* continues in force, creating a Cabinet portfolio for matters related to the status of women. The Act charges the Minister responsible to: develop mechanisms for the integration of women's concerns into the government's decision making process; co-ordinate policy, programs and activities of the government relating to the status of women; make recommendations with respect to matters affecting the status of women; and provide any appropriate assistance for improving the status of women in our province.

650. *The Occupational Health and Safety Act* now prohibits harassment in the workplace that constitutes a threat to the health and safety of the worker. The definition includes sexual harassment as well as harassment based on a number of other grounds, including marital status, family status and sexual orientation. The Act and regulations have a preventative focus and require employers to have harassment policies, to educate staff and to institute complaint mechanisms.

Article 3: Human rights and fundamental freedoms in all fields

651. The Saskatchewan Women's Secretariat continues to work with government departments and agencies to ensure that women's concerns are incorporated into government planning and policy development. The Secretariat's staff allocation was increased from seven person years in 1991-92 to ten in 1993-94.

652. In 1993-1995, the Secretariat has been or will be working on issues such as: violence against women and in families; violence in the media; pay equity; employment equity; balancing paid work and family responsibilities; child care (day care); plans to improve co-ordination of services to children; and Saskatchewan women's history and accomplishments.

653. In March 1991, the Women's Secretariat produced the *Saskatchewan Women's Directory*, a readily accessible source of information about services, programs and organizations of interest and benefit to Saskatchewan women. The Directory was updated in 1993. It is available free of charge.

Article 4: Affirmative action programs

654. The Saskatchewan Human Rights Commission continues to approve programs designed to address disadvantages faced by people on the basis of prohibited grounds of discrimination. The Commission's programs currently target women, persons with disabilities, Aboriginal people and members of visible minorities. The Commission supervises 18 programs in the workplace, affecting 30,240 workers or 6.5 percent of the workforce and 7 programs in training institutions.

Article 5: Eliminating practices based on stereotyping; family education

655. The Department of Justice and the Department of Education, Training and Employment are co-operating to set up peer counselling groups in high schools across the province to deal with dating violence.

656. The Saskatchewan Association of Broadcasters, representing the private television and radio broadcast industry, is working in consultation with government and community agencies to develop a series of public service announcements on family violence. The TV ads are designed to promote community awareness of the issue of family violence and to counter messages sometimes sent by the mass media that violence is acceptable.

657. The Department of Education has developed optional units for the provincial Health curriculum for grades 7 to 9 which address family violence. Family violence units for grades 11 and 12 are being developed as part of the new Life Transitions Course, which will be offered as an elective.

658. The Department of Social Services, through the Family Support Centre, provides outreach and support to battered women and their families. In addition, the Family Sexual Treatment Program offers counselling to families who experience intrafamilial sexual abuse. In 1993, the Department provided $2.8M to non-governmental organizations for services to women and children who have experienced abuse. The services range from emergency shelters to counselling. For the 1994-95 fiscal year, the Department has allocated $750,000 (new funding) for family violence services. This money is directed to community based outreach services, support to existing services, and to develop services in areas that are currently underserviced.

659. The Saskatchewan Indian and Métis Affairs Secretariat provides core (operational) funding to three Indian, Métis and Aboriginal women's groups, encouraging them to represent to the government the particular issues that face their respective client groups. On an annual basis, a total of $174,000 is available for three Aboriginal women's groups.

Article 7: Political and public life

660. In 1994, 13 of the 66 members (20 percent) of the provincial legislature are women. There are 4 women Cabinet ministers. This is an improvement over the previous legislature in which 5 out of 64 (7.8 percent) of the members were women.

661. From 1985 to 1994, there was a slight increase in the number of women elected to city government positions. In 1985, no mayors of cities were women. In 1994, 2 out of 12 (16.6 percent) were women. Women comprised 12 out of 85 city councillors in 1985 (14.1 percent) and 13 out of 77 in 1994 (16.9 percent). (Saskatchewan cities have populations of 5,000 to 190,000)

662. In 1985, eight of the 363 village mayors were women (2.2 percent). In 1994, twenty-two of the 324 mayors were women (6.8 percent). (Villages have populations of 100 to 500)

663. In 1994, none of the reeves of rural municipalities were women. (Figures were not available for earlier years)

664. Since the fall of 1991, 43 percent of appointments to provincial boards and commissions have been women.

665. Women have the right to vote and are not legally restricted from participating in public life. However, in 1994 it is still the case that work and family responsibilities, the lack of political support for women candidates, and limited financial resources for running election campaigns, often limit women's political participation.

666. The Saskatchewan Women's Advisory Council is a government-appointed group of nine women, who are from a variety of backgrounds. It reports to the Saskatchewan Minister Responsible for the Status of Women. The first Council was established in 1974. The most recent Council was appointed in March 1994. The Council's terms of reference are: to advise the government on matters pertaining to women; to consult with the public and bring the concerns on status of women issues to the attention of the government; to undertake research on matters relevant to the status of women.

Article 10: Education

667. Further to Saskatchewan's last report on this Convention, the Department of Education, Training and Employment prepared a Gender Equity Policy for the Kindergarten to Grade 12 system in 1991. A committee has been formed to promote implementation of the gender equity policy in Saskatchewan schools. This committee has representation from the Saskatchewan Teachers' Federation, the Saskatchewan School Trustees Association, the League of Educational Administrators, Directors of Education and Superintendents and the education faculties of the two universities.

668. Saskatchewan Women's Secretariat is co-funding with the federal government a video and educational kit which points out the changes needed to counteract the gender bias in Canadian education systems, teaching methods, parental attitudes and relations between male and female students.

669. A number of governmental and non-governmental organizations have co-operated in sponsoring pilot project "Girls Exploring Technology" summer camps. The three-week camps

introduced young women in grades 7 and 8 to the concept of trades and technology career choices.

670. Saskatchewan Women in Trades and Technologies, a women's professional organization, prepared two videos and accompanying educational kits. "She's Got Her Ticket" profiles women successfully working in trades and technologies. "She's Making Choices" shows girls at a trades and technology summer camp and interviews girls planning for a variety of careers. This material is distributed through the provincial education system.

Article 11: Employment

671. The provincial government, through the Public Service Commission (P.S.C.) has three Employment Equity plans approved by the Saskatchewan Human Rights Commission, applicable to managerial, professional and unionized positions in the public service. In proportion to the working age population provincially, the overall representation of women in the public service is more than sufficient (at 54.1 percent of our workforce vs. 43 percent in the community workforce), but numbers tend to be concentrated in certain occupational groupings, including administrative, fiscal and clerical positions.

672. The long term goal of the public service Employment Equity program for women is to increase their representation to 43 percent in managerial, professional and non-traditional occupations. Non-traditional occupations are those job classifications in which less than 30 percent of the positions are currently held by women.

673. Crown and Treasury Board corporations (which are currently developing equity plans in their workplaces) and individual government departments annually set quantitative and qualitative targets which are reviewed by the Steering Committee on Employment Equity which is responsible to Cabinet. Results are evaluated at year end. The P.S.C. assists departments to meet their goals through recruitment, staff development and training activities.

674. The P.S.C.'s job classification plan for non-unionized employees is calculated to be sensitive to gender bias. This provides for a more equitable evaluation of "jobs of equal value".

675. Any pregnant employee who has a medically substantiated need to be absent from work for health reasons related to the pregnancy, either before or after the date of delivery, is allowed to use sick leave benefits.

676. The P.S.C. circulated a pamphlet to all employees outlining programs to assist employees to balance work and family responsibilities. The options include: flexible start and stop times; job-sharing; reduction of hours; maternity, paternity and adoption leave; career leave (unpaid leave of absence); deferred salary leave plan; and pressing necessity leave.

677. A two-person sexual harassment unit began operation at the Women's Secretariat in the fall of 1994. The unit will work with business, employers, employees and unions to effect changes in workplace polices and practices regarding sexual harassment.

Article 12: Health

Health education, prevention and promotion activities

678. Health education presentations are offered by public health nurses on a variety of topics including: menopause, breast self-examination, fitness and lifestyle, sexually transmitted diseases, heart health, nutrition, and stress management.

679. The Wellness and Health Promotion Branch of Saskatchewan Health has developed and distributed a range of health promotional literature dealing with women's health concerns: women and AIDS, pre-natal care, women and smoking, breast feeding, nutrition during pregnancy, etc. The Branch has also provided five grants totalling $23,000 during the 1993-94 budget year relating directly to women's issues including:

Menopause Resource Centre;
Women and Wellness Conference;
Women and AIDS (posters);
Older Women and Poverty Video; and the
Saskatchewan Fetal Alcohol Syndrome Co-ordinating Committee (symposium).

680. A home study course *Wellness for the Caregiver* assists those who are caring for an elderly parent or relative and was piloted in September 1993.

681. The Saskatchewan Institute for the Prevention of Handicaps, in partnership with Saskatchewan Health, initiated a "Down to Business" pilot program to deliver health education information at worksites and promoted development of the "Nobody's Perfect" primary prevention program for young parents.

682. The Saskatchewan Indian and Métis Affairs Secretariat provides ongoing financial support for an annual Women and Wellness Conference. The conference provides a forum for Aboriginal women to network and discuss concrete and practical ways to assist their communities with the healing process. The conference format is based on a holistic approach that focuses on the spiritual, emotional and physical well-being of the participants. Conference activities include presentations, sharing of experiences, and discussions that are designed to support Aboriginal women as they strive to achieve a positive lifestyle as "caregivers" in their community. Since 1990, conference participation has increased from 450 participants to over 1,800 participants in 1993.

Health planning and policy development

683. The Saskatchewan Minister of Health's Advisory Committee on Family Planning was appointed in June 1992 to provide advice and develop policies on ways to reduce unintended pregnancies, particularly in adolescents, and to improve reproductive health. The committee's first report, *Toward Sexual and Reproductive Health in Saskatchewan*, was released in November 1993 and is currently under consideration.

684. A Women and Mental Well Being Conference, sponsored by the University of Saskatchewan with funding from Saskatchewan Health, was held in October 1991. The conference was highly successful and resulted in the formation of the Saskatchewan Women's Mental Health Agenda Project. The Project seeks to improve women's mental health through education and lobbying.

685. The Saskatchewan Midwifery Review Committee has been formed to assess the need for the regulation of midwifery services, and to consider the integration of midwifery into our health system.

Health services

686. Breast cancer screening services, initiated in 1990, continue to be available. Mammography tests are provided free of charge for women aged 50 to 69. Services are provided in medical facilities in seven urban centres and by use of a mobile van mammography unit in rural and northern areas. Funding in 1993-94 was increased to expand the breast cancer screening program in rural areas of the province.

687. Prenatal classes, well baby clinics and parenting classes are offered through health units throughout the province, some of which are specifically provided by and for Native women. Postnatal classes are provided in some public health jurisdictions.

688. Two Cervical Cytology Testing Centres in Regina and Saskatoon will be established by Saskatchewan Health for accurate centralized testing of cytology smears.

689. Family violence services offered by Saskatchewan Health have been extended and enhanced. The Batterer's Treatment Program for men is available in Prince Albert. A Sexual Abuse Treatment Program is available to children and youth in families affected by violence. Services are increasingly focused on the whole family as client.

690. The Women's Health Centre, located in the Regina General Hospital, consolidates a number of specialized diagnostic and treatment services for women including: fetal assessment, infertility services, colposcope, hysteroscope, cryotherapy, therapeutic abortion, laser therapy, and health/family counselling.

691. The Minister's Advisory Committee on Family Planning received approval to sponsor a toll-free line on reproductive health for Saskatchewan in 1994.

692. In 1989, the Department of Social Services established the Teen and Young Parent Program, a voluntary program designed to provide comprehensive services to assist teen and young parents facing an unplanned pregnancy.

Substance use

693. The Alcohol and Drug Services (ADS) Branch (formerly Saskatchewan Alcohol and Drug Abuse Commission) of Saskatchewan Health provides several programs aimed specifically at women who are victims of alcohol or drug abuse, either directly or as spouses

or as parents of children affected by substance abuse problems. These include the Spousal Support Program, where over 90 percent of the 1,100 clients are female, and the Women with Chemical Dependency intensive in-patient treatment program. ADS participates on the Women's Action Committee on Substance Use which is now developing a model of service for Saskatchewan women with problematic substance use.

Article 13: Economic and social life

694. The child care program, administered by the Department of Social Services, continues to expand services, with an emphasis on rural areas. Monthly grants are provided for infants and toddlers of teen parents attending high school in nine location throughout the province. Since 1981-82, there has been a 96 percent increase in expenditures on child care grants and subsidies, and a 71 percent increase in the number of licensed child care spaces in the province. The Department licenses and regulates day care centres and family day care homes. Subsidies are provided for low income parents who cannot afford the cost of care. Approximately 85 percent of those receiving subsidies are single parent mothers.

Program Statistics 1981-1982 and 1992-1993		
	1981-1982	**1993-1994**
No. of licensed spaces	4189	6936
No. of day care centre spaces	3373	4409
No. of day care home spaces	816	2527
Maximum subsidy	$210	$235
Total subsidies	$5,322,835	$9,506,964
Total grants to day care	$864,264	$3,108,547
Total subsidies and grants	$6,187,099	$12,615,511

695. The Co-operatives Directorate in the Department of Economic Development assists communities with the organization of day care co-operatives throughout the province.

Article 14: Rural areas

696. Communities and rural municipalities within Saskatchewan, excluding the far north and Indian reserves, have organized themselves into 30 health districts covering 97 percent of the population under a process initiated by the Government of Saskatchewan. Health district board members will be elected, leading to greater accountability and control for district residents. In addition, each health district is undertaking a process to determine local programming priorities for residents.

697. All health districts are comprised, to varying degrees, of rural populations. Within the framework of provincial standards set by Saskatchewan Health, health districts are striving to

structure needs-based and affordable services effectively and efficiently. Health districts have assumed responsibility for acute care, long term care, home care and emergency medical services provided to residents, with existing provincially delivered community health and mental health services to be provided by health districts within two years.

698. Air ambulance services are used extensively in northern Saskatchewan to ensure ready access is provided for those requiring necessary hospital and medical services.

699. A Rural Health Initiatives Fund of $10 million has been established for enhancing rural health promotion and prevention, home care and emergency services.

700. A confidential toll-free *Farm Stress Line* for rural and farm residents was initiated by the provincial government in February 1992. It provides counselling assistance, referrals and information specifically tailored for to needs of rural callers. The service is co-ordinated by Saskatchewan Agriculture and Food and jointly implemented by the departments of Health, Social Services, Rural Development and the Farm Debt Review Boards. About one-third of callers to the service are women.

701. The Co-operatives Directorate has co-sponsored a study on the economic benefits of rural day-care, undertaken by the Centre for the Study of Co-operatives, University of Saskatchewan. The study will describe the status of rural day-care, examine alternatives for day-care provision and recommend a development strategy.

Article 15: Legal rights

702. In 1994, 2 out of 9 of Saskatchewan Court of Appeal judges were women. In the same year, 4 out of 35 of Court of Queen's Bench judges were women. This is double the number of women judges in these positions in 1985.

703. In 1993, 33 out of 774 local police officers were women. In the same year, 103 out of 1140 Royal Canadian Mounted Police officers in Saskatchewan were women.

704. Under a pilot project, court-based victim witness programs in Regina, Saskatoon and Prince Albert ensure that witnesses are kept up-to-date with the circumstances of their cases and provide personal support to victim witnesses.

705. A federal/provincial/territorial working group looking into issues of gender equality within the justice system reported to the Attorney General in May 1993. The report dealt with the following areas: gender bias in the system; gender bias before the courts; the justice system and violence against women; the justice system and female offenders; substantive law bias against women; and women working in the justice system. The report contained over 200 recommendations for changes in both the civil and criminal justice system, including human rights legislation, to enhance the equality of women. Saskatchewan's Attorney General has committed to implementation of all recommendations, subject to fiscal and operational limitations. These recommendations have been shared broadly with academics, other government departments, the public and women's groups. Officials are reviewing and implementing needed changes.

9. ALBERTA

Introduction

706. This report covers the period of January 1, 1991 to March 31, 1994.

707. Alberta remains committed to enhancing the opportunities of women. Under current fiscal restraint and budget cuts, the Alberta government will continue to focus on ensuring that all Albertans have the opportunity to participate fully and actively in the economic, social and cultural life of the province and in the decision making process that affect their well-being.

Article 2(e): Equality

708. The Alberta government will continue to develop appropriate government policies, programs and legislation affecting women. As a part of its three-year business plan, Alberta Community Development has listed "the heightened and improved participation of individuals (defined in terms of gender and cultural/racial origin) in the social and economic life of Alberta" as an expected result to be achieved by 1996-97. This will be measured by a base line study to establish current status, and by tracking and evaluating the relative changes in the participation rates of women in the economic and social life of the province.

709. Alberta has conducted a public review of its human rights legislation, the *Individuals Rights Protection Act*, which governs human rights protection in Alberta, and the Human Rights Commission which administers the Act. Public hearings have been held across the province. As part of this review, communities were encouraged to become involved. Two workshops on human rights and women's issues were held and proceedings from these workshops were considered for the final report and recommendations, due in July 1994.

710. In 1993, gender-related issues, such as pregnancy and sexual harassment, increased as a proportion of total inquiries made to the Human Rights Commission — to more than 50 percent.

711. Through its education program, the Human Rights Commission focuses on equity and fairness in employment. The Commission works in partnership with various organizations to address issues as related to women.

Article 3: Appropriate measures in the political and economic fields

712. The Women's Policy and Programs Unit within Alberta Community Development acts as a catalyst and consultant within government to ensure that women's perspectives are considered in the development of government policies, programs and legislation.

713. It co-ordinated work in 1991-92 and in the last year (1992-93) of the four-year Alberta Plan for Action for Women. This initiative was established to generate government action on issues of concern to women in the areas of employment, education and training, family, health and the public service.

714. The Alberta Advisory Council on Women's Issues is a citizen's advisory body consisting of a chairperson and up to 14 members. Appointments are made by Order in Council. The *Alberta Advisory Council on Women's Issues Act* mandates the Council to advise and report to the Alberta Government on matters relating to the opportunity for full and equal participation of Alberta women in the life of the Province by: identifying issues of concern to women that may be addressed by government; making recommendations to government on these issues; consulting with and providing information to the public; and carrying out other activities the Minister considers appropriate.

Article 4.1: Temporary special measures

715. Since 1990, the Alberta Multiculturalism Commission has sponsored a Managing Diversity symposium. Employment equity, human rights, discrimination, and barriers in the workplace are some of the relevant women's issues addressed at past symposia.

716. The Alberta government has in place an *Access/Managing Diversity* program, which assists public institutions, businesses, industries, and organizations to develop operations and services that are available and appropriate to the needs of all Albertans. The ultimate objective is to dismantle visible and invisible barriers which hamper the full social and economic participation of non-dominant groups. The *Managing Diversity* process also incorporates the objectives of employment equity. It goes beyond recruitment towards the objectives of a representative workforce.

717. The Alberta government is taking proactive steps as an employer with programs to support female employees. During the reporting report, the Personnel Administration Office developed initiatives related to balancing work and family responsibilities including two symposia for employees.

Article 5(a): Elimination of stereotypes

718. The Alberta government's Stepping Stones Role Model Program, co-ordinated by Women's Policy and Programs, promotes the idea that career choice is not a gender-linked decision and introduces the notion that every career is an option for women as well as men. Stepping Stones provides role models who work in non-traditional occupations as well as a full range of resource materials to junior and senior high schools throughout Alberta.

719. In 1991, Alberta Career Development and Employment (now called Alberta Advanced Education and Career Development) facilitated a workshop to increase employee awareness of gender differences in the workplace. The workshop was presented to four other government departments.

Article 7: Political and public life

	1993	
Participation in Parliamentary Assemblies:		
Female Ministers in the Alberta Legislature	3/17	17.6%
MLAs (excluding Ministers)	13/66	19.7%
Total (Ministers and MLAs)	16/83	19.3%
Participation in Government:		
Deputies, Assistant Deputies, and Executive Managers II's	8/76	10.5%
Judiciary	29/178	16.3%

Article 10: Education

720. Each year, the Alberta government provides up to 20 Persons Case Scholarships[1] to post-secondary students (mostly women) whose studies contribute to the advancement of women, or whose work is in fields where members of their gender are few.

721. The Women's Secretariat Grant Program provides limited financial assistance for short-term education projects such as conferences, workshops and seminars on issues of special concern to women. Non-profit women's groups and other non-profit organizations or community groups can apply for funding.

Article 10(a)

722. Alberta Advanced Education and Career Development approves for implementation at public post-secondary institutions only those academic programs that are available equally to all adults, and continues to monitor enrolments and graduates by gender.

Article 10(c)

723. Changes in the high school science curriculum which address issues of science in a social setting have proved successful in attracting more girls to high school science classes. Examples for changes in the structure have included an in-service for teachers which focuses on encouraging young women to continue studying science and using textbooks which provide many examples of positive role models for young women.

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[1] Based on the Persons Case whereby women were recognized as persons, in 1929.

Article 10(d)

724. In addition to regular loan, grant, scholarship and bursary programs for students, Alberta offers the Maintenance Grant Assistance Program, established to ensure that students with special needs have the opportunity to acquire undergraduate degrees. Students considered for these grants are those who do not have normal prospects of completing their education without assistance in addition to that provided under other programs, e.g. single parents.

725. The Skill Development Grant allows that normal academic limits may be exceeded based on student's financial need. Single parents are the primary recipients.

Article 10(g)

726. Alberta Community Development understands that the topic of girls and women in sport deserves special attention and believes that girls and women have the right to a full and equal range of opportunities as participants, competitors and leaders in sport in Alberta. The Ministry is currently developing strategies to address the issue of female participation in sport.

Article 11: Employment

727. The Alberta government has a clear policy against sexual harassment for its employees. It will not tolerate sexual harassment in the workplace and has in place a Sexual Harassment Training Program which consists of a half-day training module that deals with employees' questions and issues in this area.

728. The Alberta Human Rights Commission investigates sexual harassment complaints under gender, disseminates material on sexual harassment, provides speakers on sexual harassment and assists organizations in establishing sexual harassment policy.

729. The Alberta government offers employees a variety of courses, three of which are pertinent to women: Creating and Managing Supportive and Flexible Work Environments; Lifelong Caring for Self and Others; and a Wellness Program.

Article 11.1

730. In 1993, a statistical profile was prepared by Women's Policy and Programs to provide an overview of labour force characteristics, eduction characteristics and income levels of women in Alberta. This document is available to the public and government departments.

731. A *Women in Business Directory* containing a database of 2,100 names is distributed throughout Alberta. It was printed as a networking tool and has been very successful. Alberta Economic Development and Tourism has a full-time "Women in Business Home Based Coordinator", who provides education, information and advocacy for women in business with a strong emphasis on home based business.

732. During the reporting period, direct government operating grants to day care centres were gradually reduced and the savings were used to increase financial benefits for low income families requiring child care. Single parent families headed by mothers were the main beneficiaries of the increased benefits.

Article 11.1(c)

733. In March 1991, Alberta Career Development and Employment published a workshop manual and Leader's Guide, entitled *Children, Challenges and Choices: Single Moms Planning for Tomorrow*, to provide pre-career planning groundwork for single young mothers who are social assistance recipients, to assist them in bridging to career planning and ultimately to greater independence. The workshop is currently delivered through local career development centres located across the province.

734. In April 1991, Alberta Career Development and Employment updated and republished its statistical report on women in Alberta, entitled *Women in the Labour Market, and in Education and Training Programs in Alberta.* The Department also surveyed the needs of Alberta women who were seeking employment, to identify what sectors of the target population are most in need and what publications would best serve their needs.

735. In 1993, Alberta Advanced Education and Career Development produced a statistical profile, entitled *Part-time Employment Trends in Alberta 1975-1992*, to serve as an information piece for career development officers and other government departments.

Article 11.1(d)

736. Alberta Labour has produced a comprehensive booklet for women entitled *Retirement Planning, A Guide for Women.* This guide outlines the key steps to retirement planning.

Article 11.2

737. In 1992, the Alberta Court of Appeal upheld an earlier Board of Inquiry decision that pregnant employees were entitled to be treated like sick employees for the "health-related portion" of an absence during pregnancy, including the post-delivery period. Therefore, they are entitled to sickness benefits during the health related portion of their leave.

Article 12: Health care

738. In April 1992, the Meeting of Directors' Task Group on Sexual Health completed an Implementation Review of the Sexual Health Programs in health units which highlighted the need for service and ongoing education opportunities for those working with sexual health programming.

739. The Alberta government supported a three-day western Canadian conference entitled "Communicating About Sexuality: Facing the Challenges", which took place in March 1994. The primary objective of the conference was to enhance knowledge and provide an update for

those working in the area of sexual and reproductive health on current research, knowledge and skills in the areas of sexual health education, counselling and clinical services.

740. The Alberta government is moving to include midwives as one of the providers women can access for publicly funded maternity services. In 1992, midwifery was recognized as a profession in Alberta under the *Health Disciplines Act*. Recently, the Midwifery Regulations Advisory Committee produced a draft report outlining registration requirements and scope of practice. The government anticipates that Albertans will have fully regulated access to the services of midwives by the Spring of 1995.

Article 14: Rural women

741. In 1991-92, the Alberta Rural Child Care Pilot Project was funded by the Alberta Agricultural Initiatives Program. The rural child care project sought to implement and evaluate a variety of child care projects on Alberta farms and demonstrated that rural child care is feasible, affordable and is beneficial to parents, children, care givers and the farm operation. As a result of the success of the pilot project, farm/rural child care in Alberta is now a joint project of rural women's organizations.

Article 15: Women's equality with men before the law

742. Female offender initiatives include: special addictions, life management and health programs with a women's issues focus; hiring of Native elders to visit provincial prisons; availability of female mental health practitioners; specialized visiting programs for women with children; bail facilitation programs; and contracting with Elizabeth Fry for visitation and programming for women.

743. The Victims' Programs Assistance Fund was established in 1991. Surcharge assessments imposed by the court on those who are convicted under the *Criminal Code*, the *Narcotics Control Act* and the *Food and Drug Act* are deposited into the fund. Individuals, groups or organizations providing or proposing to provide services to victims of crime may apply for funding. Though not targeted specifically at women, funds have been allocated to, among other things, women's shelters and sexual assault centres. Funds total approximately $500,000 annually.

Article 16: Marriage and family

744. The Family Policy Grid, approved by government in 1991, provides a framework for departments to use in developing and assessing policies affecting families. It requires that all departments of government review their policies, programs and legislation to ensure they support and encourage families. The principles focus on family well-being, family roles, family diversity, family support, family commitment and responsibility, family interests and partnerships with families.

745. The Premier's Council in Support of Alberta Families has an ongoing advisory role with respect to government policies, programs and services which may impact on family life

in Alberta. The Council works closely with government departments in addressing the issues that could undermine family life. The role of women is very significant in the strength and well-being of families. The Council works closely with Alberta Community Development in addressing the issues that negatively impact on women and interfere with their ability to be supportive and contributing members of the family.

746. The Office for the Prevention of Family Violence continues its efforts to reduce family violence in Alberta. In response to the growing interest and commitment of community groups and individuals throughout the province, the Office provided additional funding of $200,000 for the 1991-92 to 1993-94 fiscal years to support innovative community-based family violence prevention projects. During Family Violence Prevention Month and throughout the 1991-92 to 1993-94 fiscal years, Community Project Funding supported 93 educational initiatives.

747. The Office for the Prevention of Family Violence continues to distribute to quarterly newsletter FOCUS, highlighting such issues as abused immigrant women, family violence in rural communities and Native issues.

748. The Alberta government expended over $7 million on women's emergency shelters and satellite shelters in 1993-94. Funding of community groups was increased by $500,000 to support the ongoing operation of six Rural Family Violence Prevention Centres (formerly known as satellites) in rural communities. These facilities provide abused women and their children with short-term crisis accommodation for up to seven days. In addition, the satellites offer a range of services according to community needs which are funded by both the government and community.

749. The Alberta government's family violence activities are co-ordinated by an Interdepartmental Committee on Family Violence, made up of representatives from 11 departments. As a result of this committee's recommendations, 27 initiatives were undertaken in 1992-93 including: the *Family Violence is a Crime* public awareness campaign; release of a discussion paper on *Elder Abuse and Neglect*; and incorporation of family violence and healthy family functioning themes into Alberta's school curricula through teacher training.

Article 16.1(d)

750. Departmental family violence initiatives were introduced in October 1990, and have impacted all three areas of the criminal justice system — the police, the courts and corrections. Education programs continue to be delivered to police and prosecutors on an annual basis. Guidelines were issues to all Alberta police services, and copies to all chief Crown prosecutors, in October 1990, March 1991 and December 1993, relative to the handling of family violence cases.

10. BRITISH COLUMBIA

751. This section will update the information contained in British Columbia's submission to Canada's third report on the Convention to March 31, 1994.

Article 2

752. In November 1991, the British Columbia government established the Ministry of Women's Equality, Canada's first free-standing ministry dedicated to equality for women. The Ministry develops and delivers programs that expand choices and promote economic security and personal safety for women in their communities. To do this, the Ministry advocates, leads, consults and educates on equality for women, and supports service delivery in the areas of child care, stopping the violence against women, wage equality, equality in the workplace, social justice and skills development. For the 1994-95 fiscal year, the Ministry has 252 full-time equivalents and a total budget of $203,769,000.

753. The Ministry of Women's Equality has become the leading agency in a major government strategy aimed at stopping violence against women. This includes responsibility for co-ordinating a government action plan involving a $10 million commitment of funding for 1994-95. The total amount of monies committed to stopping the violence against women is about $30 million, $21 million of which supports transition houses, safe homes, and second-stage housing programs. This funding also supports 40 agencies throughout the province that provide services to children who witness abuse, and core funding for the B.C./Yukon Society of Transition Houses.

754. The action plan, summarized in the document *Stopping the Violence: A Safer Future for B.C. Women*, builds on the work of earlier inquiries, particularly the report of the Task Force on Family Violence, *Is Anybody Listening?*, and the parallel First Nations report, *Family Violence in Aboriginal Communities*.

755. Stopping the violence initiatives have included:

- Up to 80 new counselling services for women who have experienced violence, in more than 100 communities;

- 11 new sexual assault/woman assault centres, nearly tripling the number of funded centres in the province; and

- 145 new spaces in transition houses across British Columbia.

756. In 1993-94, the Ministry of Attorney General allocated $1.2 million in funding for 17 sexual assault centres, complementing the $817,000 in funding from the Ministry of Women's Equality. The two ministries work in partnership to stop violence against women, with the

Ministry of Women's Equality providing approximately $500,000 for sex offender and assaultive-male treatment programs.

757. Women with disabilities comprise 16 percent of British Columbia's population and face additional barriers and discrimination in our society. The government's action plan to address violence against women includes measures to address the unique requirements of women with disabilities, such as grants to make women's centres wheelchair accessible, start-up and renovation grants for new crisis counselling initiatives, and grants for the purchase of special resources for the hearing impaired. The Ministry of Women's Equality has also contracted DAWN (DisAbled Women's Network) Canada to identify and offer solutions to the unique problems of disabled women who have experienced violence.

758. In 1992-93, Aboriginal organizations received more than $89,500 in grants for initiatives to stop violence against women in over 80 communities. Projects funded included development of a Native Women's Assault Centre, creation of counselling services for women who have experienced violence, workshops on family violence dynamics and a conference promoting health and wellness. In 1993-94, the Ministry of Women's Equality funded 20 projects in Aboriginal communities through the Women's Equality Grants program, for a total of approximately $216,000. Many projects dealt with ending family violence. The provincial government action plan to stop violence against women included $2 million administered through the British Columbia Aboriginal Health Council, to address family violence in Aboriginal communities.

759. The ministers of Attorney General and Women's Equality released a detailed status report in September 1993 on new and ongoing justice initiatives. This report responds to recommendations in the 1992 report of the Law Society of B.C. Gender Equality Committee. The initiatives include family law reform, treatment of women in the courts, the justice system's response to violence against women and women in the legal profession.

760. In June 1992, the *Human Rights Act* was amended to protect individuals from discrimination on the basis of family status or sexual orientation. The amendments will prevent discrimination in areas such as tenancy, employment, and membership in trade unions and occupational associations. The 1993 amendment to the *Human Rights Act* prohibits the publication, issue or display of hate literature and hate activities, protecting women and others who are covered by the Act.

761. The *Ombudsman Act* was amended in 1993 to ensure that it is an offense to discriminate against anyone who makes a complaint, gives evidence, or assists the Ombudsman in an investigation. Women no longer need to fear they will lose their jobs because of complaints they file regarding improper treatment, sexual harassment or sexual discrimination.

762. The *Multiculturalism Act*, created in 1993, establishes the provincial government's commitment to cross-cultural understanding and to help build a society free of racism. As women have traditionally accounted for over half of B.C.'s ethnic population, this legislation benefits women by providing services that promote positive race relations.

763. Recent changes to the *Residential Tenancy Act* recognize that female tenants in particular experience harassment by landlords, and provide that tenants can get permission to change their locks so that landlords cannot enter without permission. Other amendments to this Act created a rental protection system to help tenants dispute unjustifiable rent increases and an emergency repair support system.

764. Revisions to the *Limitation Act* will permit civil actions for damages arising from sexual assault at any time, and extend the limitation period for women who have suffered from breast implants until December 1995.

Article 3

765. In 1994-95, the Ministry of Women's Equality committed over $1.3 million in operational funding to 36 women's centres throughout the province. This is an increase of seven new centres, each of which also received $10,000 in funding for purchasing equipment, improved access for disabled women, staff training, and the purchase of additional resource material. These centres assist women to obtain information or gain access to needed support services, jobs and training, child care and housing.

766. *Child Care: Choices at Work* is part of the provincial government's child care plan and is providing $42 million to improve B.C.'s child care system — this is in addition to $58.3 million committed by the government in the last two years to create 15,000 licensed spaces in child and family day-care centres by 1996. *Choices at Work* expands on these goals by:

- creating more choices that meet the needs of working families;
- providing child care at a cost families can afford;
- ensuring safe and healthy places for children; and
- renewing child care to better meet local needs.

767. Other government programs aimed at improving child care in the province include the following:

- Through BC21 — a comprehensive plan to invest in the future of all British Columbians — the provincial government will invest $32.3 million between 1993 and 1996, to create and retain child care spaces.
- The Infant/Toddler Incentive Grant program responds to the critical shortage of child care for parents with very young children, and has increased the number of licensed, quality child care spaces for children under three years.
- Needs Assessment and Planning Grants are available to help communities plan for and develop community-based child care needs and services.

- Quality Enhancement Grants are available to communities to assist with development of projects which improve child care accessibility, quality and affordability for families with unique child care needs.

- The Child Care Facilities and Equipment Grant Program is available to create or keep open new licensed group child care spaces.

- The Child Care Support Program, which supports informal caregivers and increases access to child care for low income families, has been expanded to serve more communities and to provide resource and referral services for all types of child care.

Article 7

768. The British Columbia government's Employment Equity Program is designed to ensure, among other things, the greater representation of women in management level positions within the public service. This helps to ensure that women are more involved in the decision-making processes of government.

769. The British Columbia government's commitment to gender equality is reflected in appointments to government agencies, boards and commissions. A high priority is also placed on ensuring representation of the four designated Employment Equity groups: women, persons with disabilities, Aboriginal people, and visible minorities. Between November 1991 and June 1994, women comprised 54 percent of all new appointments.

770. A 17-member independent Provincial Child Care Council has been established to give communities input into child care policies and programs in British Columbia. Nominations to Council are received from communities throughout B.C., and appointments are made by the Minister of Women's Equality. Members of Council have diverse backgrounds in the field of child care, and are representative of families and caregivers, various types of child care services, and a variety of community groups. Council members, representing 12 regions across the province, provide expert advice to the government on the development and evaluation of child care programs, focusing on accessibility, quality, stability, affordability, fair and equitable salaries, training, and infrastructure development.

771. In 1993-94, the Ministry of Women's Equality provided funding to the Aboriginal Women's Council for consultations on self-government.

772. The *Child, Youth, and Family Advocacy Act* is in the process of establishing an independent advocate for children, youth and families on both an individual and a community level. This will give women the opportunity to participate in problem resolution at the community level.

Article 10

773. In 1994, the provincial government introduced a comprehensive new approach to education and training for students, workers and the unemployed, as part of a plan called

Skills Now. The Ministry of Women's Equality is working in partnership with the Ministry of Skills, Training and Labour to address equality for women within this initiative.

774. Apprenticeship is one of the goals of the *Skills Now* program. A major focus of the Provincial Apprenticeship Board is to increase the participation of under-represented groups in apprenticeship training programs by ensuring fair access to apprenticeship certification, training and job placement. A forum of federal, provincial and territorial labour ministers has undertaken a study of equity in apprenticeship across Canada, and will report on best practices and recommended options for implementing change.

775. The Federal-Provincial-Territorial Working Group on Education and Training/ Retraining, led by British Columbia, produced a video, *Raising Young Voices*, for parents, teachers and school administrators. This video is part of a package that includes three discussion guides which examine the impact of gender socialization on the self-image and aspirations of young women. The video and guides will be distributed in the spring of 1995.

776. Through the Women's Equality Grants Program, the Ministry of Women's Equality annually provides $12,500 to fund 25 bursaries at colleges and universities for women pursuing education in women's studies or in male-dominated fields of study.

777. The Ministry of Education has a Gender Equity Program with a mandate to improve opportunities, access and support for all girls and women in the B.C. education system by promoting the principles of gender equity.

778. The Science and Technology Division of the Ministry of Employment and Investment has overseen a number of projects affecting women during the 1993-94 fiscal year. Through the ministry's Partners in Science Awareness Program, many projects targeting women received funding.

779. The Ministry of Women's Equality, in partnership with the Science and Technology Division of the Ministry of Employment and Investment, recently completed *Changing Times, Changing Views*, which is an inventory of exemplary programs encouraging girls and women to enter the fields of science, math, technology and engineering.

780. The Teen Parent Program was established to provide financial assistance for child care to children of young parents in order that the parents may continue with their secondary school education. There are currently 20 teen parent programs across the province, many of which also provide counselling and other support services for young parents.

781. In June 1992, the Minister of Social Services announced the removal of the three-year time limit on educational and training courses for persons on income assistance. This will allow longer periods of college and university enrolment for recipients of income assistance, the majority of whom are women.

Article 11

782. British Columbia introduced a pay equity program for the public service in September 1990. The first adjustment under the program was in January 1991 to approximately 11,600 employees working in female-dominated job classes. A second interim adjustment took effect April 1, 1992, for a total of $23 million. As part of the pay equity program for the public service, the government is working with the British Columbia Government Employees' Union to develop a gender-neutral job evaluation plan, scheduled to be fully implemented in the fall of 1994 for the union's 28,000 members.

783. Amendments to the *Human Rights Act* have made it easier for employers to implement employment equity programs by removing pre-approval requirements. These amendments also allow the B.C. Council of Human Rights to make general recommendations concerning employment equity programs, and to order employers to adopt such programs where the employer has been found to contravene the *Human Rights Act*.

784. In 1993-94, 44 percent of all new complaints received by the B.C. Council of Human Rights were about sexual discrimination. Over 90 percent of these were from women. The Council sponsored several educational plans to ensure that women's workplaces are free from discrimination and harassment.

785. The Worker's Compensation Board occupational safety and health regulations were expanded in April 1993 to cover farmworkers, many of whom are immigrant women.

786. In June 1993, the Ministry of Skills, Training and Labour introduced amendments to improve gender equity in the provision of worker's compensation survivor benefits. Spouses of deceased workers will no longer be cut off from benefits if they remarry. Men account for the vast majority of work-related fatalities, so the disentitlement to benefits primarily affected women.

787. The same amendments also extended worker's compensation coverage to virtually all provincial workers as of January 1, 1994. Worker's compensation coverage now includes banking, office and domestic employees, areas of the provincial workforce dominated by women.

788. The *Pension Benefits Standards Act* took effect in January 1993. This requires pension plans to provide minimum survivor benefits, forbids termination of pension benefits on remarriage, and also prohibits discrimination in pension membership, benefits or contributions based on sex.

789. The Ministry of Women's Equality Grants Program provides grants of up to $10,000 to non-profit societies for projects on workplace fairness.

790. The Government of British Columbia has adopted a gender-inclusive language policy for all government communications. This policy will help ensure that the reality of women's participation in the workplace and society is reflected in government communications.

791. In April 1991, the Ministry of Small Business, Tourism and Culture appointed the first Businesswomen's Advocate in British Columbia to work toward increasing women's participation in the creation of businesses and to improve their chances of survival and growth in the business community.

792. In February 1992, British Columbia's minimum wage went up to $5.50 an hour and in April 1993 it was raised to $6.00 an hour. These increases benefit over 75,000 workers, close to two thirds of whom are women.

793. In January 1992, the requirement that single income assistance recipients with children over six months of age must seek paid employment was removed.

Article 12

794. In March 1992, the Minister of Health and the Minister of Women's Equality announced new measures to improve women's access to contraception and abortion, including:

- new regulations under the *Hospital Act* and the *Hospital Insurance Act* to ensure women in every area of British Columbia are able to choose hospital abortions;

- enhanced counselling, surgical abortion services and contraceptive education through three free-standing clinics; and

- a Minister's Task Force on Access to Contraception and Abortion Services to identify barriers to access, taking particular note of geographic, cultural, economic and age-related concerns.

795. In January 1994, the British Columbia Women's Hospital and Health Centre was established as a provincial resource to provide a full range of women's health services to the women of British Columbia. The Women's Health Centre offers outpatient treatment and counselling for osteoporosis, recurrent pregnancy loss, sexual health, premenstrual syndrome and adolescent gynaecology, as well as bone densitometry and ultrasound services. The Centre also co-ordinates emergency hospital services for women who have experienced sexual assault and is operating a pilot program for women and children with HIV/AIDS in conjunction with the B.C. Children's Hospital.

796. British Columbia was the first jurisdiction in North America to introduce a government-funded mammography screening program. There are now 15 such centres in B.C. Three additional centres and two mobile units to serve Upper Vancouver Island and northern communities are scheduled to open this year.

797. The Pregnancy Outreach Program funded by the Ministry of Health provides education, support and food supplements to high-risk pregnant women and encourages them to make healthy behaviour changes.

798. The Ministry of Health sponsored a Women's Health Conference in September 1993, for organizations concerned with women's health to develop recommendations about B.C.'s health care system. In response to the moderator's report, the Minister of Health announced the establishment of the Women's Health Bureau and the Minister's Advisory Council on Women's Health, both of which ensure a strong voice for women in health issues. The mandate of the Women's Health Bureau is to promote a health care system which is sensitive to the needs of women by working within government and liaising with community groups and health care providers. The mandate of the Advisory council is to advise the Minister of Health on issues relating to the health needs of women, the development of health care policy and the delivery of women's health services.

799. The Residential Historical Abuse Program is sponsored by the ministries of Health, Social Services, Education and Attorney General to provide counselling and support to British Columbians who state that they were sexually abused while living in provincially-funded residential care facilities. Services are provided through registered clinicians and established non-profit counselling agencies throughout B.C.

800. The Women's Health Centre is sponsoring an Aboriginal Health Program in partnership with the Ministry of Health, Health Canada, the B.C. Cancer Agency and the Aboriginal community. The initial focus of this program is cervical cancer screening, as the death rate from cervical cancer is considerably higher in Aboriginal women than in non-Aboriginal women. This program will ultimately co-ordinate other Aboriginal women's health services throughout the province.

Article 13

801. The Ministry of Government Services and Ministry Responsible for Sport and the Commonwealth Games provides an annual grant of $100,000 to Promotion Plus, an advocacy group promoting greater participation by girls and women in sport and physical activity. The provincial government has also implemented a provincial gender equity policy and evaluation criteria for funding provincial sport organizations.

Article 14

802. The Ministry of Women's Equality provides a regional presence throughout the province. Twelve regional co-ordinators in seven regions work with community agencies to support effective regional delivery of ministry programs.

Article 15

803. New adult guardianship legislation is being implemented that will primarily affect senior citizens, the majority of whom are women:

- the *Representation Agreement Act* allows adults to appoint someone to handle their health, personal care, financial and legal affairs should they become incapable of making decisions independently in the future;

- the *Adult Guardianship Act* outlines a process for helping vulnerable adults who cannot remove themselves from a situation of abuse, neglect or self-neglect;

- the *Public Guardian and Trustee Act* creates the Office of the Public Guardian and Trustee, which assists adults, families and friends considering alternatives to court-appointed decision makers, and encourages family and friends to be appointed decision-makers if necessary; and

- the *Health Care (Consent) and Care Facility (Admission) Act* confirms the right of a capable adult to give or refuse consent to health care, and creates specific procedures for obtaining substitute consent in situations where an adult is incapable of making such a decision.

Article 16

804. Changes to the *Family Maintenance Enforcement Act* will improve administrative and enforcement powers, increasing the effectiveness of the Act by assisting single-parent families — the majority of which are headed by women — to collect child support which more closely relates to the actual cost of raising children.

805. The *Family Relations Act* is changing to provide a comprehensive framework for the division of pensions upon marriage breakdown. This creates a formal procedure for pension division that protects the unpensioned spouse — most often a woman — and her children.

806. New rules for Provincial (Family) Court were announced in March 1993, designed to assist the court in making fair and prompt decisions on child support. Two booklets dealing with child maintenance and custody/access were created to help families who need to use Family Court. New, easier to use forms are also being developed.

Statistical Information on the Participation of Women in Politics, the Public Service and Judiciary			
	Total	**Women**	**%**
Political Participation			
Provincial Legislature (1993)	75	19	25.3%
Local Government (Dec. 1993)[1]	1181	250	21.2%
School Trustees (Dec. 1993)	523	268	51.2%
B.C. Public Service (Dec. 1993)			
Minister	18	7	38.9%
Deputy Minister	22	7	31.8%
Deputy Minister Status	6	1	16.7%
Associate Deputy Ministers	2	0	0%
Assistant Deputy Ministers	72	19	26.4%
B.C. Judiciary[2]			
Court of Appeal Judges (July 1993)	23	4	17.4%
Supreme Court Judges (July 1993)	100	12	12.0%
Provincial Court Judges	129	24	18.6%

1. Includes mayors, councillors and regional directors. Figures are from the Ministry of Municipal Affairs and are approximate only because of gender-neutral names and the use of initials in government records. Where gender was indeterminable, individuals were counted as men. As a result, the percentage of women is likely higher than reported. The Ministry of Women's Equality reports the approximate percentage of women in local government for the same period as 24.2 percent.

2. As reported at pp. 50-1 of the report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession, *Touchstones for Change: Equality, Diversity and Accountablity*. (Toronto: The Canadian Bar Association, August 1993)

PART IV: MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES

1. YUKON

Legal and other measures adopted since the Third Report

807. In the spring of 1994, the Yukon government proclaimed the *Yukon Advisory Council on Women's Issues Act*. The Act establishes an advisory council to:

- develop public awareness of the issues affecting the status of women;
- promote a change of attitudes within the Yukon so that women may enjoy equality of opportunity;
- encourage discussions and expressions of opinion by Yukon residents on issues affecting the status of women;
- review policies, programs, and legislation affecting women as directed by the Minister;
- advise the Minister with respect to such issues as the Minister may refer to the council for its consideration;
- advise the Minister with respect to such issues as the council considers advisable;
- encourage organizations and groups that promote the equality of women.

808. In 1992, a new *Workers' Compensation Act* was proclaimed. The Act was drafted to ensure that female and male workers received equal consideration under the legislation.

Actual progress made to promote and ensure the elimination of discrimination against women

809. In 1992 and 1993, the Women's Directorate initiated projects in the areas of education equity, violence prevention, workers and family responsibilities and women on social assistance.

810. In February 1993, the Minister responsible for the Status of Women established an Education Equity Committee headed by the Women's Directorate and the Department of Eduction to develop a four-year plan.

811. A survey on the Yukon's young women and their quality of life was also undertaken in 1993.

812. From January to March 1994, a three-month public awareness strategy was carried out, that focused on empowerment of youth and healthy relationships. The strategy involved school based workshops dealing with a variety of issues including: healthy relationships and dating violence; healing and talking circles for First Nations youth; self-defence for young women taught by women; goal setting for teens; personal empowerment and increased self-esteem for young children and youth guided imagery; mediation and internal dialoguing; participatory theatre which encourages youth to intervene through role-playing when they see oppression and/or violent behaviour.

813. The Women's Directorate and the Department of Education are continuing to develop curricula that emphasize the value of both genders in today's world and the contributions made by both in the past.

814. The Employee Assistance Program provides workshops for government employees on balancing work and family responsibilities.

815. In August 1992, the Department of Justice struck a Committee to Assess the Responsiveness of Yukon Justice to Family Violence. The Committee was comprised of members of the Justice Department and the Women's Directorate, the federal Crown Attorney's Office, the Royal Canadian Mounted Police and the judiciary. Their report, completed in September 1993, made 45 recommendations and was presented to the Minister of Justice. An inter-agency committee has been struck to monitor the implementation of these recommendations.

816. As part of the *Safe Places Program* to provide capital and operational funding to community groups for safety and support to abused women and their children, three shelters for abused women were established in the Yukon.

817. The *Teen Parent Access to Education Society* continues to develop programming, child care education and support services to pregnant teens and teen parents. The program provides teen mothers with on-site day-care which allows the young mothers to complete their high school education as well as receive education, training and support in parenting, life skills, nutrition, and child development.

818. The implementation of 26 initiatives in the *Child Care Strategy for the Yukon* announced in 1989, has resulted in the Yukon currently having the highest per capita number of licensed child care spaces in the country.

819. The Yukon government continues to participate on the joint federal-provincial-territorial *Child Support Guidelines Project*, to identify an appropriate formulae for the assessment of child support. The Yukon currently has one of the highest collection rates for maintenance support orders in the country.

820. Pursuant to article 8 of the Convention, several Yukon women have represented the Yukon government at the international level including the *Northern Forum* and on such

international organizations as the World Health Organization and the Elections Canada Monitoring Agency.

Remaining obstacles

821. Financial cutbacks in legal service delivery have required that priority be given to criminal legal aid, to the detriment of family and civil/administrative poverty law service whose clients are primarily women. This situation is detrimental to women's interest and will be addressed in future federal-provincial-territorial cost-share negotiations for legal aid service delivery.

2. NORTHWEST TERRITORIES

Article 2(e)

822. The Department of Social Services continues its financial support to women's groups, and other organizations, for shelters to provide safe environments for abused women and their children, and for counselling, referral services, advocacy services and for public education programs on violence.

823. The Department of Justice provides funding for community victims services programs. The Victim's Assistance Committee, appointed by the Minister of Justice, administers a victims assistance fund that is generated through victim fine surcharges. Funding is allocated to victim-related activities including training, community conferences, public information and research.

Article 2(f)

824. In the third report of Canada, reference was made to a review initiated to examine the functioning of the justice system as it involves and affects women and children. This resulted in a report, entitled *The Justice House*, delivered to the Northwest Territories Minister of Justice in May 1992. The report made 90 recommendations to both territorial and federal levels of government as well as to agencies with justice-related responsibilities, on improvements to make the administration of justice more fair to women. The report focused on issues of knowledge and education, access to justice, allocation of resources and legislation. A response with an action plan was tabled in the Legislative Assembly in December 1993. The response recognized that the justice system plays an important role in achieving equality for women. Many of the recommendations of the report have been acted upon by the Government. Work is still being undertaken on others.

825. Government initiatives on the elimination of violence against women are discussed under Article 5.

Article 3

826. The *Advisory Council on the Status of Women Act* was replaced in 1990 with the *Status of Women Council Act* which created the Status of Women Council of the Northwest Territories. The *Status of Women Council Act* enables the Council to hire its own staff, to seek outside funding and to offer programs. This has facilitated the Council in greatly expanding its activities and raising the profile of women's equality concerns in the Northwest Territories. One of the objects of the Council is to promote a change of attitudes within the community in order that women may enjoy equality of opportunity.

Article 4.1

827. There has been a modification to the Government of the Northwest Territories Affirmative Action Policy to target women who are aspiring to management and non-traditional occupations. Such women applicants have Priority 2 status, coming after Indigenous Aboriginal Persons who have Priority 1 status. During the reporting period, women in the public service have out-numbered men, although they have been in the minority in management and non-traditional positions. Women in management positions have risen from 21 percent to 27 percent. Women in non-traditional positions have risen from 12 percent to 13 percent.

828. The Government of the Northwest Territories has developed procedures to allow people with family and other commitments to balance those commitments with their employment schedule. One mechanism is job sharing, where two employees share the hours of work of one full time position. The other is "flex-time" to allow employees to alter the start and end times of their work day while maintaining their normal number of hours worked each day.

Article 5(a)

829. In December 1993, the Government brought forward a background paper entitled *Building a Strategy for Dealing with Violence in the N.W.T.* which identified the need to address the issue of violence, particularly violence against women and children, by working to eliminate societal attitudes of tolerance and denial of violence. The Government is preparing a violence strategy for the fall of 1994.

830. In February 1994, the Legislative Assembly passed a Declaration adopting "zero tolerance" toward violence and endorsing the goal of eliminating family violence by the year 2000. The Declaration also encouraged municipal governments, Aboriginal organizations and other groups and agencies to adopt similar declarations. Some groups have done so.

Article 7(b)

831. Refer to the commentary under Article 4.1 on the Government of the Northwest Territories Affirmative Action Policy.

Article 12.1

832. The "Women's Health Project" began in 1992 as a result of a partnership between the Department of Health and the Status of Women Council of the Northwest Territories to further the education and empowerment of northern women as active participants in their own health care and health care service delivery. A package, nearing completion, will include pamphlets on self-esteem, health care rights and responsibilities, questions to ask the health care provider and safer sex. It will also include posters and a video on sexually transmitted diseases, including AIDS. The second stage of the project will include public service announcements for television on sexually transmitted diseases, a video for adolescent girls on

healthy lifestyle choices and, in collaboration with the Cancer Society, a video on breast and cervical cancers.

833. The Department of Health continues its work with the Department of Education, Culture and Employment on a school health curriculum that provides a forum for instruction on sexuality and birth control.

Article 14.2(b)

834. The "Women's Health Project", described in the commentary under Article 12.1, is developing educational materials through wide consultation that includes many northern women who live in remote communities. Plain language is used in the pamphlets and they are being translated into Aboriginal languages.

835. With a view to assisting rural women with low-risk pregnancies to have their babies closer to home, with the support and participation of their families, the Department of Health initiated the "Rankin Inlet Pilot Project" in 1993. The project is examining the extent to which women and infants can be helped safely through the perinatal period with the assistance of midwives, the extent to which the cultural and psychological needs of the women involved can be met and the extent to which the process is cost-effective.

Article 16.1

836. The departments of Justice and Social Services continue their work on family law reform. In September 1992, the *Family Law Review Report — The Report of the Ministerial Working Group on Family Law Reform* was submitted to the ministers of Justice and Social Services. The Report has been analyzed and the departments have released discussion papers on the implementation of recommendations. Many of the proposals focus on achieving equitable resolution of issues following the breakdown of relationships. This will have the effect of enhancing the equality of women.

837. The Maintenance Enforcement Program, that began operations in 1989, pursuant to the *Maintenance Orders Enforcement Act*, has had a steadily increasing workload and rate of success in enforcing support orders during the reporting period. A communications strategy has been initiated to increase public awareness of the Program and of family support obligations.

ANNEX

Table 1: Representation of women on elected public bodies (%)

	1991	1992	1993
Legislature	12.5%	12.5%	12.5%
Municipal Councils	N/A	N/A	N/A
School Boards	N/A	N/A	N/A

N/A: information not available

Table 2: Representation of women in the judiciary (1991-1993)

	Total office	# of women	%
Federal appointments	3	0	0%
Territorial appointments	5	1	20%

Table 3: Women in senior government positions

	1991	1992	1993
Ministers	2/8	2/8	2/8
Deputy Ministers	1/17	0/14	0/14
A/Deputy Ministers	3/24	2/20	4/19